

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 2743 of 2015 (P)

PETITIONER(S):

**SHEEBA FRANCIS,
THYKOOTTATHIL, NEAR CMS BRIDGE, KANNAMALI P.O.,
PALLURUTHY, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.K.R.RAJKUMAR
SRI.V.P.PRASAD**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, ERNAKULAM - 682 030.**
- 2. THE SUB COLLECTOR,
REVENUE DIVISIONAL OFFICE, FORT KOCHI,
ERNAKULAM DISTRICT - 682 001.**
- 3. THE COMMISSIONER OF POLICE,
ERNAKULAM CITY, ERNAKULAM - 682 035.**
- 4. THE TAHSILDAR,
KOCHI TALUK, FORT KOCHI P.O.,
ERNAKULAM DISTRICT - 682 001.**
- 5. THE VILLAGE OFFICER,
PALLURUTHY VILLAGE, ERNAKULAM DISTRICT - 682 006.**
- 6. T.K.AUGUSTINE,
THOTTU KADAVIL, NEAR CMS BRIDGE, KANNAMALY P.O.,
PALLURUTHY, ERNAKULAM DISTRICT - 682 008.**
- 7. THOMAS ALEX,
THOTTU KADAVIL, NEAR CMS BRIDGE, KANNAMALY P.O.,
PALLURUTHY, ERNAKULAM DISTRICT - 682 008.**

**R1 TO R5 BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE
R6 & R7 BY ADV. SRI.DINESH MATHEW J.MURICKEN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 2743 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE NOTICE DATED 10.11.14 ISSUED BY TAHASILDAR.

EXHIBIT P2. TRUE COPY OF THE NOTICE DATED 9.12.14 BY THE 2ND RESPONDENT.

EXHIBIT P3. TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT.

**EXHIBIT P4. THE TRUE COPY OF THE ORDER ISSUED BY TALUK SURVEYOR KOCHI
AS PER ORDER OF R2 DATED 12.1.2015.**

**EXHIBIT P5. THE TRUE PHOTOGRAPH OF THE ILLEGAL ACTION DONE BY THE
6TH AND 7TH RESPONDENTS.**

**EXHIBIT P6. THE TRUE COPY OF THE COMPLAINT FILED BEFORE THE
3RD RESPONDENT.**

**EXHIBIT P7. THE TRUE COPY OF THE ACKNOWLEDGMENT ISSUED FROM THE
OFFICE OF THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 2743 of 2015

Dated this the 12th day of February, 2015

JUDGMENT

The grievance of the petitioner is mainly with regard to the non implementation of Ext.P3 order passed by the 2nd respondent. The case projected by the petitioner who is the widow is that, she is living in the property concerned along with her daughter, who is employed as a medical officer under the National Health Mission in Ernakulam Government Hospital. It is stated that the party respondents 6 and 7 are not in good terms with the petitioner and they made some wild allegations stating that the petitioner encroached the Government property and they filed a complaint before the 2nd respondent for causing the concerned property to be measured. It was after considering the said complaint, that the 2nd respondent passed Ext.P3 order on 05.01.2015, for causing measurement of the property with the help of the Taluk Surveyor. The petitioner has approached this Court seeking to implement the said order, so as to substantiate the factual position and to prove her innocence in all respects.

2. Pursuant to the notice on admission, respondents 6 and

7 have entered appearance. The learned counsel for the said respondents submits that, the petitioner had virtually prevented access to the said respondents by committing encroachment. If at all there is any encroachment, then the same has to be identified and encroacher has to be evicted and there cannot be any doubt in this regard. It is with this intent that the property was ordered to be measured out as per Ext.P3. This being the position, this Court does not require any second thought to hold that the proceedings as per Ext.P3 have to be completed in the shortest possible time.

3. In the said circumstance, the 4th respondent herein who is stated as assigned the task pursuant to Ext.P3, is directed to finalize the proceedings by causing measurement of the property with assistance of the Taluk Surveyor, with notice to the petitioner, respondents 6 and 7 and other interested parties, if any, and further steps shall be pursued in accordance with law. The proceedings as above shall be finalized at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment. 'Status quo' shall be maintained till such time.

The rights and liberties of the parties concerned to pursue appropriate remedy in accordance with law, in respect of the disputed rights are left open.

The writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**

kp/-