

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 27TH DAY OF NOVEMBER 2015 / 6TH AGRAHAYANA, 1937

WP(C).No.5533 of 2013 (N)

PETITIONER :

K.SHIHABUDEEN,
S/O.KUNJUMHAMMED, KALAPARAMBIL HOUSE, VALLAPPUZHA.P.O.,
PALAKKAD DISTRICT, PIN-639376.

BY ADVS.SRI.P.P.THAJUDEEN
SMT.C.SEENA

RESPONDENTS :

1. VALLAPPUZHA GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, PANCHAYATH OFFICE,
VALLAPPUZHA.P.O., PALAKKAD DISTRICT, PIN-639376.
2. PRESIDENT,
VALLAPPUZHA GRAMA PANCHAYATH, PANCHAYATH OFFICE,
VALLAPPUZHA.P.O, PALAKKAD DISTRICT-678001.
3. THE DISTRICT COLLECTOR,
COLLECTORATE, PALAKKAD DISTRICT, PIN-678001.

R1 & R2 BY ADV. SRI.T.R.RAVI
R3 BY GOVERNMENT PLEADER SRI.K.K.SAIDALAVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.5533 of 2013 (N)

APPENDIX

PETITIONER'S EXHIBIT :-

EXT.P1:_ TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE FIRST
RESPONDENT DTD 11/2/2013.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.5533 of 2013

Dated this the 27th day of November, 2015

JUDGMENT

The petitioner, who is a resident in Ward No.4 of Vallappuzha Grama Panchayat, has filed this Writ Petition seeking a writ of mandamus commanding respondents 1 and 2 to evict unauthorised encroachers from the property vested with Vallappuzha Grama Panchayat which is being used as 'Kalaparambu chantha' and also seeking an order directing the 1st respondent to move the 3rd respondent for conducting survey of the properties vested with the Grama Panchayat and to initiate appropriation action. The petitioner has also sought for a writ of mandamus commanding the 1st respondent to invoke the provisions of the Kerala Panchayat Raj (Removal of Encroachment and Imposition and Recovery of Penalty for Unauthorised Occupation) Rules, 1996 against the encroachers of the properties vested with the Grama Panchayat. Highlighting the grievance, the petitioner has submitted Ext.P1 representation before the 1st respondent Grama Panchayat.

2. I heard the arguments of the learned counsel for the petitioner, the learned Standing Counsel appearing for respondents 1 and 2 and also the learned Government Pleader appearing for the 3rd respondent.

3. Considering the fact that Ext.P1 representation submitted by the petitioner is pending consideration before the 1st respondent, I deem it appropriate to dispose of this Writ Petition, without going into the merits of the contentions raised by the petitioner.

In the result, this Writ Petition is disposed of directing the Secretary of the 1st respondent Grama Panchayat to consider Ext.P1 representation submitted by the petitioner and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment, with notice to the petitioner and also to affected persons, if any. If necessary, the 1st respondent shall move the 3rd respondent for conducting survey of the property in question. It is made clear that removal of encroachment, if any, shall be made strictly in accordance with the Rules and with due notice to such encroachers.

Sd/-

ANIL K.NARENDHAN, JUDGE

skj

True copy

P.A to Judge