

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 2934 of 2015 (N)

PETITIONER(S):

**ASHARAF M.A., AGED 63 YEARS,
S/O.MULLAKKARA ABDULLA,
P.O. MURKANAD, KARUVANNUR,
THRISSUR DISTRICT, PIN-680 711.**

**BY ADVS.SRI.M.R.VENUGOPAL,
SMT.DHANYA PASHOKAN.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
COLLECTORATE, AYYANTHOLE, THRISSUR, PIN-680 003.**
- 2. THE REVENUE DIVISIONAL OFFICER,
COLLECTORATE, AYYANTHOLE,
THRISSUR, PIN-680 003.**
- 3. THE EXECUTIVE ENGINEER,
ADDITIONAL IRRIGATION DIVISION,
CHEMBUKKAVU, THRISSUR, PIN-680 020.**
- 4. THE ASSISTANT EXECUTIVE ENGINEER,
IRRIGATION SUB DIVISION, MINI CIVIL STATION,
KODUNGALLUR, THRISSUR DISTRICT, PIN-680 664.**
- 5. THE SECRETARY,
IRINJALAKUDA MUNICIPALITY, IRINJALAKUDA,
THRISSUR DISTRICT, PIN-680 121.**
- 6. THE VILLAGE OFFICER,
PORATHISSERY VILLAGE, KARUVANNUR,
THRISSUR DISTRICT, PIN-680 711.**

**R1 TO R4 & R6 BY GOVT. PLEADER SRI.K.C. VINCENT.
R5 BY SRI.K.K.CHANDRAN PILLAI, SENIOR ADVOCATE.
ADV. SRI.ARUN ANTONY.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF THE PARTITION DEED NO.4593/1/02 OF CHERPU SUB REGISTRY.
- P2- TRUE COPY OF THE PROPERTY TAX RECEIPT DATED 23.04.2014.
- P3- TRUE COPY OF THE REPRESENTATION DATED 08.01.2003.
- P4- TRUE COPY OF REPORT NO.17/03 DATED 26.02.2003
ALONG WITH SKETCH.
- P5- TRUE COPY OF THE REPRESENTATION DATED 24.01.2003.
- P6- TRUE COPY OF REPRESENTATION DATED 07.11.2013 FILED
BEFORE THE CHIEF MINISTER OF KERALA.
- P7- TRUE COPY OF THE REPLY DATED 30.01.2014.
- P8- TRUE COPY OF THE LETTER NO.A3-18383/2013(1) DATED 06.06.2014
ISSUED BY THE SUB-COLLECTOR THRISSUR.
- P9- TRUE COPY OF LETTER NO.A7-2284/2013 DATED 18.06.2014.
- P10- TRUE COPY OF LETTER NO.A3-18383/2013 DATED 01.07.2014.
- P11- TRUE COPY OF NOTICES ISSUED TO THE ENCROACHER.
- P12- TRUE COPY OF NOTICES ISSUED TO THE ENCROACHER.
- P13- TRUE COPY OF REPRESENTATION DATED 18.11.2014.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 2934 of 2015

Dated this the 9th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

i. To issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents 1 to 6 to measure and ascertain the puramboke land on the southern side of petitioners property and provide a way to the petitioner to his property covered under Ext.P1.

ii. To issue such other writ, order or direction to the respondents for evicting all the encroachers after removing and demolishing all illegal erections and constructions in the purmboke land.”

The learned counsel for the petitioner submits that, the grievance of the petitioner has also been projected by way of Ext.P13 representation and that the petitioner will be satisfied, if a direction is given to the 3rd respondent to have it considered and finalized within a reasonable time.

2. Heard the learned Government Pleader as well as the learned Standing Counsel for the 5th respondent.

3. After hearing both the sides, this Court does not find it

necessary to go into the merits of the case. The writ petition is disposed of, directing the 3rd respondent to consider and pass appropriate orders on Ext.P13 in accordance with law, after giving an opportunity of hearing to the petitioner as well as the 5th respondent and other interested parties, if any, at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment.

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.**