

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 3035 of 2015 (D)

PETITIONER(S):

**RAJAPPAN NAIR, AGED 75 YEARS,
S/O.LATE AYYAPPAN PILLAI, "ASA BHAVAN", NATTASSERY,
ETTUMANUR VILLAGE, KOTTAYAM DISTRICT - 686 006.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT PANCHAYATH,
KOTTAYAM, REPRESENTED BY ITS SECRETARY,
KOTTAYAM - 686 001.**
- 3. THE ASSISTANT ENGINEER,
PWD ROADS SECTION, ETTUMANUR,
KOTTAYAM DISTRICT 686 001.**
- 4. THE JOINT REGIONAL TRANSPORT OFFICER,
OFFICE OF THE JOINT REGIONAL TRANSPORT OFFICE,
ETTUMANUR, KOTTAYAM DISTRICT - 686 001.**

*** ADDL.R5 IMPEADED**

- 5. ETTUMANOOR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, ETTUMANOOR, KOTTAYAM.**

ADDL.R5 IMPEADED AS PER ORDER DATED 1-4-2015 IN IA.4686/2015.

BY GOVERNMENT PLEADER SMT.ANITHA RAVEENDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: A TRUE COPY OF THE SKETCH PREPARED BY THE PETITIONER
 DATED NIL.**
- EXT.P-2: A TRUE COPY OF THE REQUEST OF THE PETITIONER BEFORE THE
 SECOND RESPONDENT DATED 24.3.2014**
- EXT.P-3: A TRUE COPY OF THE REQUEST OF THE PETITIONER BEFORE THE
 MINISTER TO THE DEPARTMENT OF THE SOCIAL WELFARE DATED
 29.11.2014**
- EXT.P-4: A TRUE COPY OF THE REQUEST MADE BY THE PETITIONER BEFORE
 THE 4TH RESPONDENT DATED 25.11.2014**
- EXT.P-5: A TRUE COPY OF THE REPLY OF THE 4TH RESPONDENT DATED
 23.12.2014**
- EXT.P-6: A TRUE COPY OF THE COMMUNICATION OF THE SECOND
 RESPONDENT DATED 22.12.2014**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 3035 of 2015

Dated this the 10th day of July, 2015.

JUDGMENT

The petitioner has come up before this Court seeking for a direction to the respondents to remove the waiting shed in front of his house blocking in his ingress and egress.

2. The petitioner has 7 Ares and 155 square meters of land, the details of which are provided in Ext.P1 sketch. According to him, in front of his property, on the way created him, a waiting shed is constructed now. In fact, his property is situated at a height of 10 feet from the ground level. He has cut opened a road to his property and was the waiting shed is put up in front of his house on the road margin vested in the public works department. Rule 344 of the Kerala Motor Vehicles Rules contemplate the procedure to put up a waiting shed which necessarily has to be determined by the Motor Vehicles Department, in consultation with the other authorities; it is alleged. The petitioner points out that in the instant issue it is gross illegality that is perpetrated.

3. Today, when the matter came up for hearing, the learned Senior Government Pleader inviting my attention to Ext.P6, would submit that the meeting is expected to be convened to arrive at a consensus in the matter.

4. The learned counsel for the petitioner would submit that Ext.P2 representation is now pending before the second respondent.

In the light of the materials now placed on record, the writ petition is disposed of directing the second respondent to consider and pass appropriate orders on Ext.P2 representation, after expediting the process of consultation as pointed out in Ext.P6 within a period of three months from the date of receipt of a copy of this judgment.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the second respondent at the earliest.

A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.