

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 3044 of 2015 (E)

PETITIONER(S):

1. V.V. ITTAMAN @ CHANDRAN AGED 67 YEARS
S/O. VELAYUDHAN, VALLIKATTIRI HOUSE, MAANGAD
KOTTAPURAM-680 584.
2. V.V.SUKUMARAN AGED 62 YEARS
S/O. VELAYUDHAN, VALLIKATTIRI HOUSE, MAANGAD
KOTTAPURAM-680 584.

BY ADVS.SRI.M.ANIL KUMAR
SMT.PREETHI K.PURUSHOTHAMAN

RESPONDENT(S):

1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF REVENUE, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE DISTRICT COLLECTOR
THRISSUR, AYYANTHOLE, THRISSUR-680 003.
3. THE TAHSILDAR
THALAPPILLY TALUK, WADAKKANCHERY, THRISSUR-680 581.
4. THE SPECIAL TAHSILDAR (LA)
UNIT NO.1, THRISSUR-680 020.
5. THE VILLAGE OFFICER
KOTTAPPURAM VILLAGE, NELLUVAI
THRISSUR DISTRICT-680 581.
6. P.K.BALAKRISHNAN, AGED 64 YEARS
S/O. KUNJUNNY, PANDIKASALA, VALAPPIL HOUSE
MAANGAD, KOTTAPPURAM-680 584.

BY GOVERNMENT PLEADER SRI. K.C. VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 3044 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE APPLICATION FILED BY THE MOTHER OF THE PETITIONER'S
DATED 3.10.2004.
- P2 : COPIES OF THE DOCUMENTS 14.2.2007 OBTAINED UNDER THE RIGHT TO
INFORMATION ACT.
- P3 : COPY OF THE JUDGMENT IN WPC No.14343/2014 DATED 8.7.2014.
- P4 : COPY OF THE ORDER IN RP No.805/14 DATED.24.11.2014 IN WPC NO.14343/2014.
- P5 : COPY OF NOTICE NO.B2/5656/2014 FORM C (RULE 11) DATED.5.12.2014.
- P6 : COPY OF THE REPRESENTATION DATED.1.10.2014 FILED BEFORE THE 2ND
RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

so.

P.R. RAMACHANDRA MENON, J.

=====

W.P.(C). No. 3044 of 2015

Dated this the 6th day of February, 2015

JUDGMENT

The petitioners have approached this Court with the following prayer:

“Issue a writ of mandamus or any other writ or order directing to call for the records leading to Ext.P5 notice and quash the same.”

The main case projected by the petitioner is that, no proper opportunity of hearing was afforded to the petitioner before issuance of Ext.P5 and that the petitioners have moved the 2nd respondent by filing Ext.P6 and the prayer is to cause the same to be considered before eviction is ordered.

2. The learned Government Pleader appearing for the respondents submits that the petitioners are unauthorized occupants of the land in question and that, proceedings were initiated against them on the basis of the directions given by this Court as evident from Ext.P3 judgment in W.P.(C). No. 14343 of 2014 preferred by the 6th respondent herein. Pointing out that the petitioners were never given an opportunity of hearing, the petitioners approached this Court by filing R.P No. 805 of 2014, wherein interference was declined observing that no merit was

adjudicated by this Court and that the proceedings were ordered to be finalized strictly in accordance with the relevant provisions of law and that, there was no error apparent on the face of the records. Ext.P4 is a copy of the said order. It is also stated by the learned Government Pleader that, pursuant to the verdict passed by this Court, proper notice was issued to the petitioners giving an opportunity of hearing. It was after considering all the facts and figures that the proceedings were finalized leading to Ext.P5 proceedings issued under Form C under Rule 11. The learned Government Pleader also points out that, pursuant to Ext.P5 and the further steps taken in this regard, the petitioners have already been evicted. This being the position, there is absolutely no merit or bonafides in the writ petition, submits the learned Government Pleader.

After hearing both the sides, this Court finds that, no tenable ground has been made out by the petitioners so as to call for interference by this Court under Article 226 of the Constitution of India. Interference is declined and the writ petition is dismissed.

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