

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. 3460 of 2015 (F)

PETITIONER:

**PALLIYALIL THANKAM, D/O AYYAPPAN,
PALLIYALIL HOUSE, EDAPPAL AMSOM,
PUROKKARA DESOM, PONNANI TALUK,
MALAPPURAM DISTRICT.**

BY ADV. SRI.MILLU DANDAPANI

RESPONDENT(S):

- 1. SUB DIVISIONAL MAGISTRATE,
TIRUR - 676 101.**
- 2. VILLAGE OFFICER,
EDAPPAL VILLAGE, EDAPPAL P.O.,
MALAPPURAM DISTRICT - 679 576.**
- 3. TAHSILDAR, PONNANI TALUK,
PONNANI P.O., MALAPPURAM - 679 577.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

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

mbr/

WP(C).No. 3460 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1: TRUE COPY OF THE ORDER DATED 21.7.2010 PASSED BY THE SUB
DIVISIONAL MAGISTRATE TIRUR IN C.M.P.8/09.**

**EXHIBIT P2: TRUE COPY OF THE ORDER DATED 17.6.2014 IN CRL.R.P.NO.35/2010
PASSED BY THE SESSIONS JUDGE, MANJERY.**

**EXHIBIT P3: TRUE COPY OF THE ORDER DATED 19.11.2014 ISSUED BY THE
1ST RESPONDENT TO THE 2ND RESPONDENT.**

**EXHIBIT P4: TRUE COPY OF THE APPLICATION NO.A.9738/2014 IN CMP 8/09 FILED
BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.3460 of 2015

Dated this the 9th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) Issue a writ of mandamus or other appropriate writ, order or direction commanding the Sub Divisional Magistrate Tirur to consider Ext.P4 application and enforce Ext.P3 order and pass orders thereon in a time-bound manner.

ii) Issue a writ of mandamus or other appropriate writ, order or direction directing the 2nd respondent to comply with Exts.P1 to P3 orders in letter and spirit by removing the obstruction on the road leading to Uthanikkara Harijan Colony and restore its width to 3 meters, with the assistance of the Surveyor if necessary.

iii) Pass such other orders as this Hon'ble Court deem fit and proper in the facts and circumstances of the case, and

iv) Award costs of the proceedings to the petitioner."

2. The learned counsel for the petitioner points out that, some of the residents of the nearby locality are causing obstruction to the public way leading to the Colony, where the petitioner is also residing, by encroaching into the road and reducing the width of the pathway, which was originally having a

width of 3 meters, now reducing the same to an extent of three feet. Pursuant to the steps taken by the petitioner and others concerned, Ext.P3 order was passed by the 1st respondent to remove the obstructions. Being aggrieved of the same, the counter petitioners therein preferred Crl.R.P. No.35 of 2010 before the Session's Court, Manjeri. The said Revision Petition was dismissed as per Ext.P2 order dated 17.06.2014. In the course of further proceedings, Ext.P3 order was passed by the 1st respondent on 19.11.2014, directing the 2nd respondent to take the remedial measures, which is still to be implemented. The petitioner moved the 1st respondent by filing Ext.P4, but the same is still to be acted upon and hence the writ petition.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P4 preferred by the petitioner, after giving an opportunity of hearing to the petitioner, as expeditiously as possible, at the earliest, at any rate, within 'one month' from the

date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 1st respondent, for further steps.

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

sp