

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 3601 of 2015 (A)

PETITIONER(S):

**JAMES JOSEPH, AGED 68 YEARS,
S/O.JOSEPH, MADATHIPARAMBIL HOUSE,
NEAR ARACKAKADAVU BRIDGE, EROOR,
THRIPPUNITHURA.**

**BY ADVS.SRI.NAGARAJ NARAYANAN,
SRI.SAIJO HASSAN,
SRI.PRATHAP PILLAI,
SRI.BENOJ C AUGUSTIN,
SRI.SEBIN THOMAS,
SRI.VIVEK V. KANNANKERI,
SRI.VISHNU BHUVANEENDRA.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY, PWD,
THIRUVANANTHAPURAM - 695 001.**
- 2. DISTRICT COLLECTOR, ERNAKULAM,
KAKKANAD - 682 030.**
- 3. REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE,
2ND FLOOR, A 3 BLOCK, CIVIL STATION,
KAKKANAD, ERNAKULAM - 682 030.**
- 4. INSPECTOR GENERAL POLICE,
CENTRAL ZONE, OFFICE AT
ERNAKULAM - 682 031, KOCHI.**
- 5. SUPERINTENDING ENGINEER, PWD,
(R&B), CENTRAL CIRCLE, NEAR POLICE STATION,
ALUVA - 683 101.**
- 6. EXECUTIVE ENGINEER, PWD,
ROADS DIVISION, NEAR NGO QUARTERS,
KAKKANAD-682 030, ERNAKULAM.**

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**7. ASSISTANT EXECUTIVE ENGINEER,
SUB DIVISION, PWD, ERNAKULAM - 682 031.**

**8. ASSISTANT ENGINEER, ROAD SECTION,
THRIPPUNITHURA, ERNAKULAM-682 301.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:

- P1- TRUE OCPY OF THE SALE DEED NO. 151/1995 OF THRIPPUNITHURA IN THE NAME OF THE PETITIONER.
- P2- TRUE COPY OF THE REPRESENTATIONS DATED 29.01.2015 FILED BEFORE THE 2ND RESPONDENT ALONG WITH PROOF OF SERVICE AND COPY OF THE RESPONDENTS.
- P3- TRUE COY OF THE REPRESENTATIONS DATED 29.01.2015 FILED BEFORE THE 5TH RESPONDENT ALONG WITH PROOF OF SERVICE AND COPY TO THE RESPONDENTS.
- P4- TRUE COPY OF THE LETTER OF THE ASSISTANT ENGINEER TO THE ASSISTANT EXECUTIVE ENGINEER DATED 27.01.2015.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.3601 of 2015

Dated this the 23rd day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) issue a writ of mandamus or any other appropriate writ, direction or order, directing the respondents 1 to 8 to take immediate action to prohibit the unauthorised construction of the shed and prevent from the further construction.

ii) issue a writ of mandamus or any other appropriate writ, direction or order, directing the respondents to take further steps for the demolition of the unauthorised construction.

iii) issue a writ of mandamus or any other appropriate writ, direction or order, directing respondents 1 to 8 to take immediate action on Exhibits P2 and P3 within a time frame to be fixed by this Honourable Court.

iv) And to issue such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of this case."

The learned counsel for the petitioner submits that, the grievance of the petitioner has also been projected by way of Ext.P2 representation and that the petitioner will be satisfied, if a direction is given to the second respondent to have it considered and finalized within a reasonable time.

2. Heard the learned Government Pleader as well.

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 second respondent to consider and pass appropriate orders on Ext.P2 in accordance with law, after giving an opportunity of hearing to the petitioner and other interested parties, if any, at the earliest, at any rate, within 'six weeks' 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 second respondent, for further steps.

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