

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No.3695 of 2015 (J)

PETITIONER:

**KOYAKUTTY,KARAVATTUVEEDU,
VENDUVAZHI,KOTHAMANGALAM.**

**BY ADV.SRI.P.K.MUHAMMED
DR.K.M.GEORGE**

RESPONDENTS:

- 1. THE ASSISTANT ENGINEER,
PERIYAR VALLEY IRRIGATION PROJECT,
SECTION NO.4/1,BHOOTHATHANKETTU,
KOTHAMANGALAM-686691.**
- 2. THE ASSISTANT EXECUTIVE ENGINEER,
PERIYAR VALLEY IRRIGATION PROJECT,
SUB DIVISION NO.1,BHOOTHATHANKETTU,
KOTHAMANGALAM-686 691.**

BY SENIOR GOVT. PLEADER SRI.MUHAMMED SHAFI.M

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No.3695 of 2015 (J)

APPENDIX

PETITIONERS EXHIBITS

EXT P1:TRUE COPY OF THE SALE DEED DATED 16-10-2003.

EXT P2:TRUE COPY OF THE BASIC TAX RECEIPT DATED 23-12-2013.

**EXT P3:TRUE COPY OF THE PROPERTY TAX RECEIPT OBTAINED BY THE
PETITIONER RELATING TO 19-11-2013.**

EXT P4:TRUE COPY OF THE APPROVED REVISED PLAN DATED 25-02-2013.

**EXT P5:TRUE COPY OF THE APPROVED REVISED PERMIT ISSUED TO THE
PETITIONER'S WIFE DATED 11-06-2013.**

**EXT P6:TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT
DATED 30-01-2015.**

**EXT P7:TRUE COPY OF THE REPLY NOTICE FURNISHED TO THE 1ST
RESPONDENT DATED 31-01-2015.**

RESPONDENTS EXHIBITS: **NIL**

//TRUE COPY//

P.S.TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P(C). No. 3695 of 2015

Dated this the 5th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “i) Issue a writ of certiorari or other appropriate writ, order or direction to call for the records relating to the case and to quash Exhibit-P6;*
- ii) Issue appropriate direction to the 1st respondent to consider and dispose Exhibit-P7 representation in accordance with the provisions of law;”*

2. Grievance of the petitioner is mainly with regard to Ext.P6 notice issued by the 1st respondent, whereby the petitioner has been required to demolish the compound wall to protect the property concerned which was in existence right from 2003 (the property was purchased by the petitioner). On receipt of Ext.P6, the petitioner has put forth detailed 'statement of objection' vide Ext.P7.

3. The learned counsel for the petitioner submits that, the relief sought for will stand confined, if the objection of the petitioner is considered and the proceedings finalised, after affording an opportunity of hearing.

4. Heard the learned Government Pleader as well.

5. After hearing both the sides, this writ petition is disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P7, with notice to the petitioner. It shall be done, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

'Status quo' shall be maintained till then.

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

Sd/-

P.R. RAMACHANDRA MENON, JUDGE

Pn