

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

W.P(C).No.3710/2015(K)

PETITIONERS:

ABDUL JABBAR, AGED 58 YEARS
S/O.ALI, APPAZHAM HOUSE, PANAMPILLY ROAD
ELOOR EAST, UDYAGAMANDAL

BY ADVS.SRI.K.R.MOHANAN
SRI.K.M.SANAL

RESPONDENTS:

1. STATE OF KERALA, REP. BY PRINCIPAL SECRETARY
REVENUE DEPARTMENT, THIRUVANANTHAPURAM-695001
2. THE DISTRICT COLLECTOR, ERNKAULAM-682030
3. THE SPECIAL TAHSILDAR (LA)
NATIONAL HIGHWAY NO.II ALUVA, PIN 683101
4. THE TAHSILDAR, PARAVUR TALUK, PARAVUR-683105
5. THE TAHSILDAR, KANAYANNUR TALUK, ERNAKULAM-682031
6. THE VILLAGE OFFICER, KAKKANAD
7. THE ELOOR MUNICIPALITY, REP. BY ITS CHAIRMAN,
UDYAOGAMANDAL, ELOOR, PIN 683501

BY ADV. GOVT. PLEADER, SRI.BIJU MEENATTOOR, R1 TO R6

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21.07.2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

[P.T.O]

APPENDIX

PETITIONER(S) ' EXHIBITS

- EXT.P1: TRUE COPY OF THE ORDER IN OP.NO.19696/1997 BEFORE THE HONOURABLE HIGH COURT OF KERALA
- EXT.P2: TRUE COPY OF THE LETTER ISSUED BY THE 1ST RESPONDENT TO 2ND RESPONDENT DATED 15.05.06
- EXT.P3: TRUE COPY OF THE LETTER DATED 17.05.2013 ISSUED BY THE 7TH RESPONDENT TO THE 2ND RESPONDENT
- EXT.P4: TRUE COPY OF THE MINUTES DATED 04.01.2014
- EXT.P5: TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT TO THE 5TH RESPONDENT DATED 01.11.2014
- EXT.P6: TRUE COPY OF THE LETTER ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 04.11.2014
- EXT.P7: TRUE COPY OF THE MAHAZAR PREPARED BY THE 6TH RESPONDENT
- EXT.P8: TRUE COPY OF THE SKETCH PREPARED BY THE 6TH RESPONDENT
- EXT.P9: TRUE COPY OF THE LETTER DATED 30.12.2014 ISSUED BY THE 2ND RESPONDENT TO 5TH RESPONDENT
- EXT.P10: TRUE COPY OF THE LETTER DATED 29.01.2015 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER

RESPONDENTS' EXHIBITS:

NIL

//TRUE COPY//

PA TO JUDGE

PtK/

K. VINOD CHANDRAN, J

W.P(C) No. 3710 of 2015

Dated this the 21st day of July, 2015

J U D G M E N T

The petitioner seeks interdiction of eviction from 2.932 cents of land in Sy. No. 233/19 of Eloor Village. Earlier, the Government had intention to assign the land to a Local Self Government Institution, the Eloor Panchayat, for construction of a public library. The petitioner was before this Court with a writ petition which was disposed of by Ext.P1. In Ext.P1 it was specifically directed that the Government would consider the rival contentions of the petitioner and the Local Self Government Institution and decide on the matter within three months.

2. The public library construction having been shelved, the Government did not do anything in the matter. At present, the land which the petitioner is occupying is being acquired for construction of an approach road to the Pathalam

Regulator cum Bridge. The land on which the claim is raised by the petitioner is on the face of the approach road and interdicts the entrance itself; is the contention of the Government. The learned Government Pleader also points to Exts.P4 to P10. As per Ext.P4 to P10 a plot has been identified and assignment of the same is only pending sanction from the Government. Ext. P10 is a notification which indicates that the Government is intending to take possession of the property but however, undertaking to pay the petitioner rent for six months and also the cost of the building constructed in the property.

3. In such circumstance, the authority shall pay the amount of rent for six months including the cost of the building. The petitioner shall be paid the amounts as indicated in Ext.P10 and the petitioner shall be evicted from such property but however, on the specific undertaking of the Government that the petitioner shall be assigned the land within six months

from the date of eviction. The 1st respondent shall immediately consider the approval for assignment and intimate the same to the concerned officers for assignment within six months from the date of receipt of certified copy of this judgment.

Writ petition is disposed of. No costs.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge