

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

WP(C).No. 3868 of 2015 (G)

PETITIONER(S) :

**VINCENT B.G., AGED 65 YEARS,
S/O.GEORGE, BLAITHARA HOUSE, OPPOSITE SAJEEVE MEDICALS,
ANIYIL, EDAVANAKKADU P.O., PIN: 682 502.**

**BY ADVS.SRI.P.K.IBRAHIM
SMT.K.P.AMBIKA
SMT.A.A.SHIBI**

RESPONDENT(S):

- 1. THE EDAVANAKAD GRAMA PANCHAYAT,
EDAVANAKAD- 682 502, REPRESENTED BY ITS SECRETARY.**
- 2. ANNA,
W/O.LATE DEVASSIKUTTY, ATTIPATTY HOUSE, ANIYIL,
EDAVANAKKADU P.O., PIN: 682 502.**
- 3. SHIBU, S/O.ANNA,
ATTIPATTY HOUSE, ANIYIL, EDAVANAKKADU P.O, PIN: 682 502.**

R2 & R3 BY ADV. SRI.K.ANAND

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: A TRUE COPY OF THE SKETCH OF THE PROPERTY SHOWING ITS MEASUREMENT ON ALL ITS FOUR SIDES.**
- P2: A TRUE COPY OF THE NOTICE DATED 07/07/2014 OF THE TALUK SURVEYOR, KOCHI ISSUED TO THE PETITIONER, 2ND RESPONDENT AND OTHERS, TRUE ENGLISH TRANSLATION OF EXT.P2.**
- P3: A TRUE COPY OF THE REPRESENTATION DATED 29/10/2014, TRUE ENGLISH TRANSLATION OF EXT.P3.**
- P4: A TRUE COPY OF THE PETITION DATED 17/11/2014 ADDRESS TO THE 1ST RESPONDENT, TRUE ENGLISH TRANSLATION OF EXT.P4.**
- P5: A TRUE COPY OF THE REPRESENTATION DATED 31/01/2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J

WPC No.3868 of 2015

Dated this the 16th day of July, 2015

JUDGMENT

The petitioner has approached this Court seeking a direction to the first respondent Panchayat to consider and pass appropriate orders on Ext.P5 within a time frame.

2. According to the petitioner, the first respondent being the authority to ensure that the respondents do not undertake any construction in violation of the provisions of the Kerala Panchayat Building Rules, 2011 cannot issue any permit without ascertaining the boundary of the property of respondents 2 and 3, especially, when those boundaries that separate the property of the petitioner and respondents 2 and 3. The first respondent did not take any action on the complaint of the petitioner. As a result of that the respondents are proceeding with the illegal construction encroaching upon the petitioner's property and without leaving the statutory set back from the

boundary. The first respondent has not cared to look into the complaint filed by the petitioner for extraneous considerations. Since the respondents have political influence with the ruling party in the State have managed to keep the complaint in cold storage. It is with this background the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned counsel for respondents 2 and 3.

As the learned counsel for the petitioner confined his argument to the limited prayer for the consideration of Ext.P5 by the first respondent, this Court is of the view that this writ petition can be disposed of.

In the result, this writ petition is disposed of directing the first respondent to consider and pass orders on Ext.P5 within a period of two weeks from the date of receipt of a copy of this judgment, after affording the petitioner and respondents 2 & 3 an opportunity of being heard.

sd/- A.V.RAMAKRISHNA PILLAI
JUDGE

css/

true copy

P.S.TO JUDGE