

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. 4009 of 2015 (A)

PETITIONER :

**T.J.ABRAHAM, AGED 69 YEARS,S/O.JOSHUA,
THUNDIL HOUSE, VAZHAMUTTAM P.O,
OMALLOR P.O-689 647, PATHANAMTHITTA DISTRICT**

**BY ADVS.SRI.T.K.BIJU (MANJINIKARA)
SMT.ANNIE M.ABRAHAM**

RESPONDENTS :

- 1. STATE OF KERALA,
REP.BY ITS SECRETARY TO THE GOVERNMENT,
WATER RESOURCES(IRRIGATION)DEPARTMENT,
MINOR IRRIGATION CIRCLE, THIRUVANANTHAPURAM 695001**
- 2. THE CHIEF ENGINEER, IRRIGATION & ADMINISTRATION,
THIRUVANANTHAPURAM 695001.**
- 3. SUPERINTENDING ENGINEER, MINOR IRRIGATION CIRCLE,
JALAVIJNANA BHAVAN, MUTTATA ROAD, AMBALAMUKKU
KOWDIAR P.O, THIRUVANANTHAPURAM-695001.**
- 4. EXECUTIVE ENGINEER, M.I.DIVISION,
PATHANAMTHITTA - 689647**

BY 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:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: A TRUE COPY OF THE PARTITION DEED NO.1510/1987 OF
 SRO, PATHANAMTHITTA DATED 18.05.1987
- EXT.P2: A TRUE COPY OF THE LAND TAX RECEIPT DT.16.07.2012 ISSUED BY
 THE VILLAGE OFFICE, OMALLOOR.
- EXT.P3: A TRUE COPY OF THE PHOTOGRAPHS EVIDENCING NATURE AND LIE
 OF EXT.P1 PROPERTY BY THE SIDE OF ACHENKOVIL RIVER.
- EXT.P4: A TRUE COPY OF THE AGREEMENT NO.67/SEMI/2013-14 DT.31.08.2013.
- EXT.P5: A TRUE COY OF THE LAST REPRESENTATION SUBMITTED BY THE
 PETITIONER BEFORE THE 2ND RESPONDENT DT.5.1.2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.4009 of 2015

Dated this the 9th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. Issue writ of Mandamus or any other appropriate writ, order or direction directing the respondents to construct check dam at Vazhamuttom Kadavu across Achenkovil River downstream of Vazhamuttam scietifically by taking into ground realities such as height of the petitioner's property from the river level and raise the height of check dam so that no harm will cause to the nearby properties by soil erosion etc.

ii. Issue a writ of Mandamus or any other appropriate writ, order or direction, directing the 2nd respondent to consider Ext.P5 and pass orders thereon expeditiously after affording an opportunity of hearing to the petitioner.

iii. Issue such other appropriate writ, orders or directions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

2. Heard the learned Government Pleader as well.

3. Considering the limited extent of relief sought for, this Court does not find it necessary to adjudicate the issue on merits.

4. After hearing both the sides, the writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P5, after giving an opportunity of hearing to the

petitioner and other interested parties, if any, as expeditiously as possible, at the earliest, at any rate, within 'two months' 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 2nd respondent, for further steps.

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

sp