

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. 4866 of 2015 (G)

PETITIONER :

**JOHNY MATHEW, AGED 35 YEARS,
S/O.V U MATHEW, MARANATTU HOUSE, MUHAMMA P. O.,
PIN-688525, NOW RESIDING AT 160N, SPRINGER RD
LOS ALTOS, CA 94024, UNITED STATES OF AMERICA,
REP BY HIS POWER OF ATTORNEY HOLDER, C. M. LUKOSE,
S/O.MATHAI, CHIREVELY, MUHAMMA P. O.,
ALAPPUZHA DIST, PIN-688525**

**BY ADVS.SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.
SRI.ROVIN RODRIGUES**

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR
ALAPPUZHA DISTRICT, ALAPPUZHA , PIN-688001**
- 2. THE DEPUTY DIRECTOR OF FISHERIES DEPARTMENT,
ALAPPUZHA, PIN-688001**
- 3. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
CHERTHALA DIVISION PIN-688524**
- 4. THE SECRETARY
MUHAMMA GRAMA PANCHAYATH, MUHAMMA P. O., PIN-688525**
- 5. THE SUB INSPECTOR OF POLICE
MUHAMMA POLICE STATION, MUHAMMA POLICE STATION,
MUHAMMA P. O, PIN-688525**
- 6. THE DISTRICT POLICE CHIEF,
ALAPPUZHA DISTRICT, PIN-688001**
- 7. NADESAN
S/O.PULAYANCHIRAYIL KUMARAN, PULAYANCHIRAYIL HOUSE,
P. O., MUHAMMA, ALAPPUZHA DIST, PIN-688525**

8. PRASAD, S/O.PULAYANCHIRAYIL KUMARAN,
PULAYANCHIRAYIL HOUSE,
P. O. MUHAMMA, ALAPPUZHA DIST, PIN-688525

9. CHAKRAPANI
S/O.KAYICHHIRAYIL KUMARAN, KAYICHIRAYIL HOUSE,
P. O. MUHAMMA, ALAPPUZHA DIST, PIN-688525

R1,R2, R5 & R6 BY GOVERNMENT PLEADER SRI.K.C. VINCENT
R3 BY ADV. SMT.NAZEEBA.O.H., KERALA STATE ELECTRICITY BOARD
BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

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

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY THE VILLAGE OFFICER,
THANNEERMUKKAM SOUTH VILLAGE, DTD 24/10/2013.
- P2:- TRUE COPY OF THE PHOTOGRAPH SHOWING THE ERECTION OF THE
CHINESE NETS BY RESPONDENTS 7 TO 9.
- P3: TRUE COPY OF THE PHOTOGRAPH SHOWING THE ERECTION OF THE
CHINESE NETS BY RESPONDENT 7 TO 9.
- P4: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE POWER OF ATTORNEY
HOLDER OF THE PETITIONER TO RESPONDENTS 1 TO 6, DTD 31/1/2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4866 of 2015

Dated this the 23rd day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(a) Call for the records connected with the case;*
- (b) Issue a writ of mandamus or other appropriate writ or order directing Respondents 1, 2 and 4 to take immediate steps for removing the Chinese fishing nets illegally erected by Respondents 7 to 9 in Vembanad lake with the assistance of Respondents 5 and 6;*
- (c) Issue a writ of mandamus or other appropriate writ or order directing Respondents No.3 to take action against Respondents 7 to 9 and the licensees from whom electricity is illegally drawn to Chinese fishing nets by Respondents 7 to 9;*
- (d) Grant such other reliefs as this Hon'ble court may deem, fit and proper in the circumstances of the case.”*

2. Heard the learned counsel for the petitioner, the learned standing counsel for the Electricity Board and the learned Government Pleader.

3. It is stated by the learned Government Pleader on instructions that the enquiry conducted with regard to the grievance projected by the petitioner reveals that, there was

some encroachment with regard to installation of Chinese nets into the area, where no such activity could be pursued by the party respondents. In the said circumstances, appropriate steps have been taken to cause the structures to be removed by way of appropriate proceedings, in accordance with law. It is stated that, the proceedings will be finalized at the earliest. In the course of hearing it is brought to the notice of this Court that, Ext.P4 is pending consideration before the 1st respondent.

4. In view of the limited extent of relief sought for, this Court does not find it necessary to issue notice to the Panchayath or the party respondents. In the said circumstances, there will be a direction to the 1st respondent to consider and pass appropriate orders on Ext.P4, in accordance with law, after affording an opportunity of hearing to the petitioner, the 4th respondent Panchayath, 3rd respondent Electricity Board and also the other interested parties including the respondents 7 to 9. The proceedings as above shall be finalized, with the involvement of all the different sectors including Police, Electricity, Panchayath, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

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

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn