

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 4934 of 2015 (N)

PETITIONER(S):

1. O.S.UNNIKRISHNAN, AGED 42,
S/O.SIVASANKARA PILLAI, ORETHU HOUSE,
KALLISSERY P.O., UMayATTUMKARA,
CHENGANNUR, ALAPUZHA DISTRICT, PIN - 689124.
2. JYOTHI R. PILLAI, AGED 32,
W/O.UNNIKRISHNAN, ORETHU HOUSE,
KALLISSERY P.O., UMayATTUMKARA,
CHENGANNUR, ALAPUZHA DISTRICT, PIN - 689124.
3. RAMESH BABU, AGED 44 YEARS, S/O.RAVINDRAN NAIR,
USHA NILAYAM, AGADICAL SOUTH P.O.,
CHENGANNUR, ALAPUZHA DISTRICT - 689122.

BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

RESPONDENT(S):

1. DISTRICT COLLECTOR,
ALAPUZHA DISTRICT, ALAPUZHA, PIN - 688001.
2. REVENUE DIVISIONAL OFFICER,
CHENGANNUR, ALAPUZHA DISTRICT, PIN - 688001.
3. TAHASILDAR, CHENGANNUR TALUK,
CHENGANNUR, ALAPPUZHA DISTRICT, PIN - 688001.
4. VILLAGE OFFICER, THIRUVANVANDOOR VILLAGE,
KALLISSERRY P.O., CHENGANNUR,
ALAPPUZHA DISTRICT - 689124.

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 4934 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: TRUE COPY OF SALE DEED NO.2671/2014 OF CHENGANNUR SRO.**
- P2: TRUE COPY OF THE SALE DEED NO.2670/2014 OF CHENGANNUR SRO.**
- P3: TRUE COPY OF THE SALE DEED NO.2672/2014 OF CHENGANNUR SRO.**
- P4: TRUE COPY OF REPRESENTATION SUBMITTED BEFORE THE
SECOND RESPONDENT DATED 10.02.2015.**
- P5: TRUE COPY OF COMPLAINT FILED BEFORE THE DEVASWOM OMBUTSMAN
DATED**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4934 of 2015

Dated this the 25th day of February, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers:

- "1. Call for a report from the second respondent regarding the action taken on Exhibit P4 and issue a writ of Mandamus or any other appropriate writ, order or direction directing the second respondent to consider and disposes Exhibit P4 within a time limit.*
- 2. Issue a writ of Mandamus or any other appropriate writ, order or direction directing the respondents not to enter in to the property which is in occupation of petitioner in violation of any of the provisions of Kerala Land Conservancy Act or without notice to the petitioner as mandated by law.*
- 3. Issue a writ of Mandamus or any other appropriate writ, order or direction directing the respondents not to enter in to the property which is in occupation of petitioners till the adjudication of pending civil cases.*
- 4. Mould and issue such other order or direction as this Hon'ble Court may deem fit to grant in the circumstances of the case."*

2. The learned counsel for the petitioners submits that, the petitioners are in occupation of the properties covered by Exts.P1 to Ext.P3 'sale deeds' for quite long and that the same

is not liable to be intercepted by anybody without authority. Even without serving any notice to the petitioners, the property is sought to be encroached and measured out by the respondents, alleging that there is some encroachment at the hands of the petitioners. The learned counsel for the petitioners also points out that, the civil rights are pending consideration by way of O.S.Nos.88/2013, 420/2004 and 75/2015 before the Munsiff's Court, Chengannur.

3. When the matter came up for consideration before this Court on 16.2.2015, the 3rd respondent was directed not to conduct any measurement of the property without issuing proper notice and information to the petitioners.

4. Heard the learned Government Pleader as well, who submits that, appropriate steps will be taken only in conformity with the relevant provisions of Land Conservancy Act/Rules. If the property is sought to be measured out, it is open for the respondents to take appropriate proceedings in accordance with law by issuing notice to the petitioners and other interested parties, if any. In the said circumstances, the interim order passed by this Court on 16.02.2015, is made absolute and the writ petition is disposed of, without prejudice to the rights and liberties of the respondents to proceed with

appropriate steps for causing the measurement of the property, and to seek eviction of encroachment, if at all any. It is made clear that, this will be without prejudice to the rights and liberties of the parties to the litigation before the concerned Civil Court.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE

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