

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 5730 of 2015 (M)

PETITIONER(S):

1. DAKSHAYANI, AGED 70 YEARS,
W/O.LATE THANKAPPAN, HOUSE NO.KC.43/1275,
UDAYAMARTHANDAPURAM CHERRY, MUNDAKKAL VILLAGE,
MUNDAKKAL WEST, KOLLAM DISTRICT.
2. RENGANATHAN, AGED 70 YEARS,
S/O.CHELLAKANNU, HOUSE NO.KC.43/126,
UDAYAMARTHANDAPURAM CHERRY, MUNDAKKAL VILLAGE,
MUNDAKKAL WEST, KOLLAM DISTRICT.
3. MUTHAYYAN, AGED 70 YEARS,
S/O.VELAKKANNU NADAR, MUTHAYYA NIVAS,
HOUSE NO.KC.43/1252, UDAYAMARTHANDAPURAM CHERRY,
MUNDAKKAL VILLAGE, MUNDAKKAL WEST, KOLLAM DISTRICT.
4. PATHMAVATHY, AGED 59 YEARS,
W/O.ARUMUGHAN, HOUSE NO.KC.43/1255,
UDAYAMARTHANDAPURAM CHERRY, MUNDAKKAL VILLAGE,
MUNDAKKAL WEST, KOLLAM DISTRICT.
5. SIVA PRASAD
S/O.BHASKARAN HOUSE NO.KC.43/1267
UDAYAMARTHANDAPURAM CHERRY, MUNDAKKAL VILLAGE
MUNDAKKAL WEST, KOLLAM DISTRICT
6. ANIL KUMAR, AGED 45 YEARS,
S/O.SWAMINADHAN, HOUSE NO.KC.43/1264,
UDAYAMARTHANDAPURAM CHERRY, MUNDAKKAL VILLAGE,
MUNDAKKAL WEST, KOLLAM DISTRICT.
7. RAJAN, AGED 60 YEARS,
S/O.THANKAPPAN NADAR, HOUSE NO.KC.43/1584,
UDAYAMARTHANDAPURAM CHERRY, MUNDAKKAL VILLAGE,
MUNDAKKAL WEST, KOLLAM DISTRICT.
8. MANOHARAN, AGED 54 YEARS,
S/O.PONNAN NADAR, HOUSE NO.KC.43/1583,
UDAYAMARTHANDAPURAM CHERRY, MUNDAKKAL VILLAGE,
MUNDAKKAL WEST, KOLLAM DISTRICT.

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9. MANOJ, AGED 30 YEARS,
HOUSE NO.KC.43/UA 77, UDAYAMARTHANDAPURAM CHERRY,
MUNDAKKAL VILLAGE, MUNDAKKAL WEST, KOLLAM DISTRICT.
10. KUMARAI,
W/O.RAVI, LEKSHMI NIVAS, HOUSE NO.KC.43/1253,
UDAYAMARTHANDAPURAM CHERRY, MUNDAKKAL VILLAGE,
MUNDAKKAL WEST, KOLLAM DISTRICT.

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO DEPARTMENT OF REVENUE,
SECRETARIAT, THIRUVANANTHAPURAM- 695 001.
2. THE DISTRICT COLLECTOR,
KOLLAM - 686 001.
3. THE TAHSILDHAR,
TALUK OFFICE, KOLLAM - 686 001.
4. THE INLAND NAVIGATION AUTHORITY,
REPRESENTED BY ITS EXECUTIVE ENGINEER,
OFFICE OF THE INLAND NAVIGATION AUTHORITY,
NEAR BOAT JETTY, KOLLAM - 689 001.

R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

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APPENDIX

PETITIONER(S)' EXHIBITS

**EXT. P1: A TRUE COPY OF THE RESIDENTIAL CERTIFICATE OF THE 1ST PETITIONER
DTD.28.7.2009.**

**EXT. P2: A TRUE COPY OF THE REPRESENTATION DATED 18.02.2015 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

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Dated this the 10th day of April, 2015

JUDGMENT

Petitioners have approached this Court with the following prayers:

"i. Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 2nd respondent to take a decision on Ext.P2 on merit within a short time frame with a further direction to all the respondents to maintain status quo until such decision is taken and communicated to the petitioners.

ii. To grant other orders which this Hon'ble Court may deem fit and proper in the circumstances of the case.

iii. Grant the cost of this Original Petition."

Learned counsel for the petitioners submits that Ext.P3 notice issued to the petitioners is wrong and unsustainable both in law and on facts. It is stated that the petitioners are not residing anywhere in the Banks of 'Kollamthodu' and in fact are residing at H & C Compound. The petitioners have approached the 2nd respondent by filing Ext.P2 representation. The prayer is to cause the same to be considered and disposed of within a reasonable time. The learned counsel for the petitioners also submits that, in view of the threat of demolition as per Ext.P3, the petitioners seek for further relief as projected in I.A. No. 5453 of 2015.

2. Heard the learned Government Pleader as well, who points

out that the petitioners were found as residing on the banks of Kollamthodu and the Government wants to rehabilitate them and necessary flats were identified and allotted. But the petitioners were not willing to reside in the said flats.

3. The learned counsel for the petitioners rebuts the same pointing out that the petitioners are not residing on the banks of Kollamthodu. The matter requires to be resolved by the second respondent, before whom Ext.P2 is pending.

In the said circumstance, the 2nd respondent is directed to consider and pass appropriate orders on Ext.P2 in accordance with law. If the petitioners are residing in the H & C Compound, demolition of any structure in the H & C Compound will be subject to further orders to be passed by the 2nd respondent as above. In view of the stand put forth by the petitioners that they are not residing on the banks of the Kollamthodu, this will not bar the way of the respondents to proceed with further steps to cause eviction/demolition if any on the banks of Kollamthodu. The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE.