

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No.6407 of 2015 (A)

PETITIONERS:

1. **M.P.GURUDAYAL,AGED 51 YEARS,
S/O.LATE PALANIYAPPAN,GURUNIVAS,
AMMAN KOVIL STREET,MULLACKAL,ALAPPUZHA.**
2. **M.P.PRATHIPAL,AGED 48 YEARS,
S/O.LATE PALANIYAPPAN,PULIMOOTTIL HOUSE,
EAST NADA,CHENGANNOOR,ALAPPUZHA.**

**BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMARAN
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G
SRI.DIPU JAMES**

RESPONDENTS:

1. **STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
2. **THE DISTRICT COLLECTOR,
CIVIL STATION,ALAPPUZHA - 688 001.**
3. **THE ADDITIONAL TAHSILDAR,
TALUK OFFICE,AMBALAPPUZHA TALUK,
ALAPPUZHA - 688 001.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P-1:TRUE COPY OF BASIC TAX RECEIPT DTD 26.7.2013 OF VILLAGE OFFICE,
MULLACKAL.**

**EXT.P-2:TRUE COPY OF ORDER DATED 11.2.2015 ISSUED BY THE 3RD
RESPONDENT.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.R.RAMACHANDRA MENON, J.

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Dated this the 18th day of March, 2015

JUDGMENT

The petitioners have approached this Court challenging Ext.P2 notice issued by the additional Tahsildar so as to effect vacant surrender of the property stating that there was unauthorised encroachment into the land in question. This notice is under challenge in this writ petition contending that no proper notice or opportunity of hearing was given to the petitioners at any point of time before passing the order styled as notice.

2. The learned Government Pleader appearing for the respondents submits on instructions that while issuing the impugned proceedings, some inadvertent mistake has crept in by issuing the proceedings in a wrong form. It is also stated that steps has already been taken to withdraw the impugned notice/proceedings and to proceed with steps only in accordance with the relevant provisions of law.

In the above circumstances, the submission made by the

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learned Government Pleader is recorded. The impugned proceedings are set aside. This will be without prejudice to the rights and liberties of the concerned respondent to issue fresh notice to the petitioners in accordance with law, if at all any encroachment is there and if any proceedings under the Land Conservancy Act are intended to be pursued against the petitioners.

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

rkc.