

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. 6414 of 2015 (B)

PETITIONER :

**AMBALAPPUZHA TALUK CHETHU THOZHILALI UNION
(REG.NO.203/52), JETTY ROAD, ALAPPUZHA - 688 006
REP. BY ITS GENERAL SECRETARY MR.K.D.MAHEENDRAN.**

BY ADV. SRI.V.B.HARINARAYAN

RESPONDENT(S) :

- 1. STATE OF KERALA
REP. BY ITS SECRETARY TO GOVERNMENT
LAND REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM -695 001.**
- 2. DISTRICT COLLECTOR
ALAPPUZHA - 688 001.**
- 3. THE ADDITIONAL TAHASILDAR
TALUK OFFICE, AMBALAPPUZHA,
ALAPPUZHA DISTRICT - 688 561.**

R1 TO R3 BY GOVT. PLEADER SRI. K.C. VINCENT

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

Mn

...2/-

WP(C).No. 6414 of 2015 (B)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT.P-1: A COPY OF THE LETTER DATED 11.2.2015 ISSUED BY THE 2ND
RESPONDENT.**

**EXT.P-2: A COPY OF THE REPRESENTATION DATED 26.2.2015 SUBMITTED BY
THE PETITIONER BEFORE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R.RAMACHANDRA MENON, J.

W.P.(C).No.6414 of 2015

Dated this the 18th day of March, 2015

JUDGMENT

The petitioner has approached this Court challenging Ext.P1 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 petitioner 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 petitioner 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 petitioner.

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

rkc.