

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. 6418 of 2015 (B)

PETITIONERS:

1. JOSE J. AKKARAKALAM, AGED 57 YEARS, (K.J.JOSEPH)
S/O.JOSEPH, AKKAKARAKALAM HOUSE, Y M C A ROAD
ALAPPUZHA.
2. JIJI JOSEPH, AGED 53 YEARS
W/O.JOSEPH, AKKAKARAKALAM HOUSE, Y M C A ROAD
ALAPPUZHA.

**BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G**

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY,
REVENUE DEPARTMENT
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.
2. THE DISTRICT COLLECTOR
CIVIL STATION, ALAPPUZHA-688001.
3. THE ADDITIONAL TAHSILDAR, TALUK OFFICE
AMBALAPPUZHA TALUK, ALAPPUZHA-688001.

BY GOVERNMENT 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:**

PJ

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APPENDIX

PETITIONER(S)' EXHIBITS

**P1:- TRUE COPY OF THE BASIC TAX RECEIPT DTD 19/4/2013 OF VILLAGE OFFICE,
MULLACKAL**

**P2:- TRUE COPY OF THE ORDER DTD 11/2/2015 ISSUED BY THE 3RD
RESPONDENT**

P3:- TRUE COPY OF OBJECTION DTD 20/2/2015

P4:- TRUE COPY OF THE ORDER DTD 24/2/2015

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

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.