

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 7958 of 2014 (T)

PETITIONER(S):

**DINESH KUMAR.M.D.AGED 43 YEARS,
S/O.M.N.DAMODARAN PILLAI, MELEPPURATHU, KOTTOOR P.O.
KAVIYOOR, THIRUVALLA, PATHANAMTHITTA.**

**BY ADVS.SRI.P.HARIDAS
SMT.S.SIKKY
SRI.P.C.SHIJIN**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. DIRECTOR GENERAL OF POLICE
DEPARTMENT OF VIGILANCE AND ANTI CORRUPTION
THIRUVANANTHAPURAM-695001.**
- 3. DISTRICT COLLECTOR
PATHANAMTHITTA-689645.**
- 4. DEPUTY DIRECTOR OF PANCHAYATH
PATHANAMTHITTA-689645.**
- 5. REVENUE DIVISIONAL OFFICER
THIRUVALLA, PATHANAMTHITTA-689101.**
- 6. TAHSILDAR
THIRUVALLA, PATHANAMTHITTA-689101.**
- 7. MALLAPPALLY BLOCK PANCHAYATH
MALLAPPALLY PATHANAMTHITTA REPRESENTED BY ITS SECRETARY
MALLAPPALLY
PATHANAMTHITTA-689501.**
- 8. KAVIYOOR GRAMA PANCHAYATH
KAVIYOOR GRAMA PANCHAYATH, KAVIYOOR
PATHANAMTHITTA-689585.**

9. KAVIYOOR GRAMA PANCHAYATH COMMITTEE
KAVIYOOR THIRUVALLA REPRESENTED BY ITS PRESIDENT
KAVIYOOR GRAMA PANCHAYATH, KAVIYOOR
PATHANAMTHITTA-689585.

10. VILLAGE OFFICER
KAVIYOOR, PATHANAMTHITTA-689585.

11. T.K.SAJEEV
S/O.M.K.KRISHNAKURUP, THULASEEBHAVANAM, NJALBHAGOM
KAVIYOOR P.O. THIRUVALLA
PIN-689585 (NOW PANCHAYATH PRESIDENT
KAVIYOOR GRAMA PANCHAYATH).

12. RACHELAMMA GEORGE
W/O.A.G.GEORGE, AALUNILKKUNNATHIL, THELLIYOOR MURIYIL
MALLAPPALLY TALUK, PATHANAMTHITTA-689501.

R8 & 9 BY ADV. SRI.VARGHESE M.EASOW,SC,KAVIYOOR GRAMA
PANCHAYATH
R1 TO R6 BY ADV. GOVERNMENT PLEADER SRI.S.JAMMAL
R12 BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE PHOTOGRAPH SHOWING THE ROAD DEVELOPED BY THE BLOCK PANCHAYATH.
- EXHIBIT P2 : TRUE COPY OF THE RESOLUTION OF THE KAVIYOOR GRAMA PANCHAYATH COMMITTEE DT.18-11-2013.
- EXHIBIT P3 : TRUE COPY OF THE PHOTOGRAPHS SHOWING THE ENCROACHMENT, CONSTRUCTION AND BEAUTIFICATION OF RECREATIONAL PARK.
- EXHIBIT P4 : TRUE COPY OF THE REPRESENTATION BEFORE DISTRICT COLLECTOR, PATHANAMTHITTA DT.2-9-2013.
- EXHIBIT P5 : TRUE COPY OF THE REPORT WITH PLAN APPENDED OF THE VILLAGE OFFICER, KAVIYOOR DT.11-9-2013.
- EXHIBIT P6 : TRUE COPY OF THE LETTER OF THE RDO, THIRUVALLA DT. 7-10-2013.
- EXHIBIT P7 : TRUE COPY OF THE REPRESENTATION BEFORE DEPUTY DIRECTOR OF GRAMA PANCHAYATH, DT.29-1-2014.
- EXHIBIT P8 : TRUE COPY OF THE REPRESENTATION BEFORE DIRECTOR OF VIGILANCE AND ANTI CORRUPTION BUREAU DT.10-2-2014.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

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K.VINOD CHANDRAN, J.

W.P.(C).No.7958 of 2014

Dated this the 22nd day of June, 2015

JUDGMENT

The petitioner was before this Court alleging encroachment by the 12th respondent on Government properties by the 8th respondent/Kaviyoor Grama Panchayath as well as the 12th respondent.

2. The petitioner seeks disposal of the compliant as per Ext.P4, filed before the District Collector, which the petitioner contends if disposed off in consonance with Exts.P5 and P6, the encroachment will have to be removed.

3. The Panchayath, however, contends that the land, which is alleged to have been encroached is vested in the Panchayath and they have raised a dispute, with the District Collector by R8(i) on the strength of R8(h) resolution. The Panchayath seeks the resolution of the dispute by the 3rd respondent. The 12th respondent also does not have any difficulty on the consideration by the District Collector.

4. In such circumstances, the District Collector shall issue notice to all affected parties including the petitioner, 8th respondent Panchayath and also the 12th respondent and consider the matter in accordance with law, at any rate within two months from the date of receipt of the certified copy of the judgment.

The writ petition is disposed of.

K.VINOD CHANDRAN
JUDGE

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