

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 10692 of 2013 (J)

PETITIONER(S):

**ALIAS M.C. @ THAMBI, S/O.CHERIAN,
AGED 57 YEARS, MEEMBILLIKUNNEL HOUSE,
VADAKARA PAITAKULAM KARA
KOOHATTUKULAM VILLAGE, MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.P.M.JOSHI
SRI.K.T.SAJU
SMT.SIJI K.PAUL
KUM. ELIZABATH KOSHY**

RESPONDENT(S):

- 1. KOOHATTUKULAM GRAMA PANCHAYAT
KOOHATTUKULAM P.O., KOOHATTUKULAM,
MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, PIN - 686662, REP. BY SECRETARY.**
- 2. THE EXECUTIVE ENGINEER,
MUVATTUPUZHA VALLEY IRRIGATION
PROJECT (M.V.I.P) DIVISION NO.4, PIRAVOM 686 664.**
- 3. THE SUPERINTENDENT ENGINEER,
MUVATTUPUZHA VALLEY IRRIGATION
PROJECT (M.V.I.P) CIRCLE, MUVATTUPUZHA 686 662.**

**R1 BY ADV. SRI.K.M.JAMALUDHEEN
R1 BY ADV. SMT.LATHA PRABHAKARAN
R2 & 3 BY GOVERNMENT PLEADER SRI.JUSTIN JACOB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1** **TRUE COPY OF AWARD OF LOK ADALATH HELD ON 29.10.1999 AT MUVATTUPUZHA**
- EXT.P-2** **THE COPY OF LETTER DATED 9.6.2000 OF THE ASSISTANT EXECUTIVE ENGINEER M.V.I.P. MONIPPALLY.**
- EXT.P-3** **THE COPY OF THE JUDGEMENT DATED 19.6.2000 OF THE HON'BLE HIGH COURT OF KERALA IN O.P.NO.14724/00**
- EXT.P-4** **THE COPY OF SKETCH SHOWING THE ROAD PETITIONERS PROPERTY CANAL AND THE DRAINAGE.**
- EXT.P-5** **THE COPY OF COMPLAINT DATED 3.4.2013 SUBMITTED BY PETITIONER TO 1ST RESPONDENT.**
- EXT.P-6** **THE COPY OF APPLICATION DATED 3.4.2013 SENT BY PETITIONER TO 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 10692 of 2013

Dated this the 12th day of February, 2015

JUDGMENT

The petitioner's house is said to be lying lower than the canal to the south of the house. When the petitioner's family faced the problem of seepage and percolation of water from the southern canal, based on the direction of the learned Ombudsman, the irrigation department, the second respondent that maintains the canal, is said to have constructed a drain on the eastern side of the property.

2. The grievance of the petitioner is that now the respondent Grama Panchayat has been trying to insert a pipe through the said drain, thereby blocking the flow of the water which again is going to cause problem of seepage and percolation. It seems the petitioner has submitted Exhibit P5 representation to the respondent Grama Panchayat in that regard.

3. The learned counsel for the respondent Grama

Panchayat has submitted that based on the interim direction given by this Court on 12.04.2013, the Grama Panchayat looked into Exhibit P5 complaint of the petitioner and accordingly laid the pipeline at some other place, instead of making it pass through the drain. According to him, the petitioner's grievance as ventilated through Exhibit P5, as well as this writ petition, stands squarely redressed. To a query whether Grama Panchayat has filed any counter affidavit, the learned counsel has submitted that since he has submitted on instructions, and his statement may be recorded.

4. In the facts and circumstances, having regard to the submissions made by the learned counsel for the respondent Grama Panchayat, this Court is of the opinion that no further issue remains to be adjudicated upon.

With the above observation, this writ petition is disposed of.

DAMA SESHADRI NAIDU
JUDGE

DMR/-