

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 8311 of 2015 (L)

PETITIONER(S):

**P.T.YOHANNAN, AGED 51 YEARS
S/O.SAKARIA THOMAS,
PUTHENPARAMBIL HOUSE,
CHINGAVANAM, KOTTAYAM DISTRICT,
PIN-686 531.**

BY ADV. SRI.T.M.RAMAN KARTHA

RESPONDENT(S):

- 1. THE GENERAL MANAGER, SOUTHERN RAILWAY, CHENNAI
PIN-600054.**
- 2. EXECUTIVE ENGINEER (CONSTRUCTION)
(DOUBLING) SOUTHERN RAILWAY, KAYAMKULAM, PIN-690 502.**
- 3. CHIEF ENGINEER
(CONSTRUCTION) SOUTHERN RAILWAY, KAYAMKULAM
PIN-682 016.**
- 4. DISTRICT COLLECTOR
COLLECTORATE P.O., KOTTAYAM, PIN-686 002.**

**R1-R3 BY ADV.SRI.C.S.DIAS,SC,
R4 BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1- A TRUE COPY OF THE AGREEMENT FOR DATED 15.5.2014.
- EXT.P2- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER ON 6.1.2015 TO THE SECOND RESPONDENT
- EXT.P3- TRUE COPY OF THE REPRESENTATION DATED 8.1.2015 SUBMITTED
BY THE PETITIONER BEFORE THE 4TH RESPONDENT
- EXT.P4- TRUE COPY OF THE INTIMATION RECEIVED BY THE PETITIONER
FROM THE OFFICE OF THE 4TH RESPONDENT
- EXT.P5- TRUE COPY OF THE SECOND REPRESENTATION DATED 29.1.2015
SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT
- EXT.P6- TRUE COPY OF THE REPRESENTATION DATED 30.1.2015 SUBMITTED
BY THE PETITIONER TO THE 2ND RESPONDENT
- EXT.P7- TRUE COPY OF THE REPRESENTATION DATED 18.2.2014 SUBMITTED
BY THE PETITIONER TO THE 3RD RESPONDENT
- EXT.P8- TRUE COPY OF THE BILL ISSUED BY THE KSEB, KURICHI
ELECTRICAL SUB DIVISION TO THE PETITIONER
- EXT.P9- TRUE COPY OF THE NEWS PUBLISHED IN THE NEWSPAPER DATED
19.1.2015
- EXT.P10- TRUE COPY OF THE NEWS PUBLISHED IN THE RASHTRADEEPIKA
DAILY DATED 24.1.2015.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No. 8311 OF 2015
.....

Dated this the 17th March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) call for the records of the case;

ii) issue a writ of mandamus directing the respondents 2 and 3 to consider and pass orders on Exhibit P2, P6 and P7 representations forthwith or within a time limit specified by this Hon'ble Court and to compensate the petitioner for the illegal, removal of 65 lorry loads of red earth, house-hold articles and materials for construction taken away from the petitioner's property in violation of Exhibit P1 agreement ;

iii) issue a writ of mandamus directing the respondents 1 to 3 to release the title deed of the petitioner's property forthwith;

iv) pass such other and further orders as this Hon'ble Court deemed fit and proper in the facts and circumstances of the case."

2. Petitioner is aggrieved of the illegal activities stated as being pursued by the staff of the first respondent/General

Manager, Southern Railway under the guise of Ext.P1 agreement executed between the petitioner and the first respondent for effective implementation of doubling of Chengannoor - Chingavanam Railway line. The petitioner has preferred Exts.P2, P6 and P7 representations projecting his grievances before the second and third respondents (Executive Engineer and Chief Engineer, Southern Railway, respectively), which are still to be acted upon. The learned Counsel for the petitioner submits that the petitioner will be satisfied, if a direction is given to the third respondent/Chief Engineer to consider and dispose of Ext.P6 representation within a reasonable time.

2. Heard the learned Standing Counsel for the respondents as well.

3. Considering the limited nature of relief pressed before this Court, it is not necessary to adjudicate the issue on merits. Accordingly, the writ petition is disposed of directing the third respondent/Chief Engineer to consider and pass appropriate orders on Ext.P6 representation, at the earliest, at any rate, within two months from the date of receipt of a copy of the judgment, after affording an opportunity of hearing to the

petitioner. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the third respondent/Chief Engineer for further steps.

P.R.RAMACHANDRA MENON
JUDGE

/k