

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

WP(C).No.11048 of 2013 (E)

PETITIONER(S):-

1. MYTHEEN KUNJU, AGED 67 YEARS,
CHAKALAYILKIZHAKETHIL, MANNADI, MANNADI MURI,
KADAMPANADU VILLAGE, ADOOR TALUK, PATHANAMTHITTA DT.
2. AYSHA BEEVI, AGED 63 YEARS, W/O.MYTHEEN KUNJU,
CHAKALAYILKIZHAKETHIL, MANNADI,
MANNADI MURI, KADAMPANADU VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DT.

BY ADVS.SRI.K.S.MOHAMED HASHIM
SMT.CAROLIN SINDHU VAZ.

RESPONDENT(S):

1. THE DISTRICT COLLECTOR, PATHANAMTHITTA,
PATHANAMTHITTA DISTRICT.
2. THE ADDITIONAL TAHASILDAR, ADOOR, PATHANAMTHITTA DISTRICT.
3. THE VILLAGE OFFICER,
KADAMPANAD VILLAGE, PATHANAMTHITTA DISTRICT.

* ADDITIONAL RESPONDENTS 4 TO 12 IMPEADED:

- ADDL.R4. SHAJAHAN.T., AGED 44, S/O.THANKAPPAN RAWTHER,
MANAPPALLI PADINJATHETHIL, MANNADY P.O.
- “ R5. HASAN, AGED 45, S.OI.MOHAMMED HANEEFA,
HASEENA MANZIL, MANNADY P.O.
- “ R6. NASEEMA.H., AGED 45, D/O.HAMEED RAWTHER,
MANAPPILLI KIZHAKKETHIL, MANNADY P.O.

- ADDL. R7. JAMALUDHEEN, AGED 50, S/O.SHAHUL HAMEED,
MANAPPALLI THEKKETHIL, KIZHAKKEP[URA, MANNADI P.O.
- “ R8. SHAFEEK.R., AGED 25, S/O.RASHEED, SHAFEEK MANZIL,
MANNADY P.O.
- “ R9. THULASIDHARAN PILLAI, AGED 49, S/O.VELUPILLAI,
MANAPPALLI PADINJATHETHIL, KIZHAKKEPURA, MANNADI P.O.
- “ R10. RAZAK, AGED 35, S/O.BASHEER RAWTHER,
MANAPPALLI EDAPPURA, KIZHAKKEPURA, MANNADI P.O.
- “ R11. SHAHAL.T., AGED 43, S.I.THANKAPPAN RAWTHER,
MANAPPALLI THEKKETHIL, KIZHAKKEPURA, MANNADI P.O.
- “ R12. JYOTHINDRANADHAN, AGED 60, S/O.RAGHAVAN ACHARI.N.,
KOICKAL PUTHEN VEEDU, MANNADY P.O.

*[ADDITIONAL RESPONDENTS 4 TO 12 IMPEADED AS PER ORDER
DATED 18.6.2013 IN I.A.NO.7851 OF 2013].

R1 TO R3 BY GOVERNMENT PLEADER SRI.S.JAMAL.
ADDL.R4 TO R12 BY ADVS. SRI.S.MUHAMMED HANEEFF
SRI.R.KRISHNAKUMAR (CHERTHALA)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.11048 of 2013 (E)

APPENDIX

PETITIONER(S)' EXHIBITS:-

EXHIBIT P1: A TRUE COPY OF THE SETTLEMENT DEED NO.2330/1996
OF THE KUNNATHUR SUB REGISTRY OFFICE.

EXHIBIT P2: A TRUE COPY OF THE TAX RECEIPT DATED 25.3.2013 ISSUED
BY THE 3RD RESPONDENT.

EXHIBIT P3: A TRUE COPY OF THE IDENTITY CARD FOR PERSONS
WITH DISABILITY DATED 01.10.2001.

EXHIBIT P4: A TRUE COPY OF THE NOTICE DATED 20.03.2013.

EXHIBIT P5: A TRUE COPY OF THE REPRESENTATION DATED 24/03/2013
SUBMITTED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J.

W.P.(C).No.11048 of 2013-E

Dated this the 06th day of July, 2015

JUDGMENT

The petitioner is aggrieved with Exhibit P4 notice, issued under the Kerala Land Conservancy Act, 1957 [for brevity "the Act"].

2. The additional respondents 4 to 12, residents of the locality, approached the Revenue Divisional Officer having jurisdiction over the area, to remove the encroachment in a public pathway. The petitioner is said to have obstructed a pathway, by unloading boulders in the said pathway, allegedly for construction of a building in an adjacent property. On an examination of the complaint, it was found that the petitioner had constructed a building in a Government puramboke. In such circumstance, Exhibit P4 notice was issued.

3. Exhibit P4 is only a notice and the District Collector will have to pass orders under Section 12 of the Act. In considering the issue, the petitioner and the respondents 4 to 12 also would have to be heard. The petitioner and the

respondents shall appear before the office of the District Collector on 14.07.2015, on which date, a date of hearing shall be given and the matter shall be enquired into and decided within a period of three months from the date of hearing conducted by the District Collector. However, it is made clear that the petitioner shall not obstruct the pathway in any manner and the 3rd respondent shall ensure the same in the meanwhile.

The writ petition is disposed of with the above directions.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

[true copy]