IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 11103 of 2013 (K)

PETITIONER:

P.P.VAKKACHAN ,
AGED 83 YEARS, S/O.PAILY, PALAMOOTTIL
KARIPPAL POST, VELLORA VILLAGE, CHAPPARAPPADAVU
TALIPARAMBA TALUK, KANNUR DISTRICT, PIN - 670 581.

BY ADVS.SRI.K.J.MOHAMMED ANZAR
SRI.A.D.SURESH BABU

RESPONDENT(S):

1. STATE OF KERALA
REP. BY THE PRINCIPAL SECRETARY TO LOCAL SELFGOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM PIN: 695 001.

2. THE ERAMAMKUTTOOR PANCHAYATH REP. BY ITS SECRETARY
PANCHAYATH OFFICE, ERAMAMKUTTOOR
KANNUR DISTRICTPIN: 670 307.

3. THE SECRETARY, ERAMAMKUTTOOR PANCHAYATH
PANCHAYATH OFFICE, ERAMAMKUTTOOR
KANNUR DISTRICTPIN: 670 307.

4. MARY, AIKKARAPARAMBIL HOUSE, KARIPPAL POST, VELLAKKAD,
PERUMBADAVU, KANNUR DISTRICT, PIN: 670 581.

5. SURAJ, KAITHAPARAMBIL HOUSE, KARIPPAL POST, PERUMBADAVU
KANNUR DISTRICT, PIN: 670 581.

6. BENNY, CHERADIYIL HOUSE, KARIPPAL POST, PERUMBADAVU,
KANNUR DISTRICT PIN: 670 581.

7. JOSE @ FRANCIS, THARAPPEL HOUSE, KARIPPAL POST,
PERUMBADAVU, KANNUR DISTRICT PIN: 670 581.

R3 BY ADV. SRI.M.SASINDRAN
R BY GOVERNMENT PLEADER SRI NOUSHAD THOTTATHIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 11103 of 2013 (K)

PEITIONERS EXHIBITS

EXT.P1	**COPY OF THE RECEIPT ISSUED BY THE VILLAGE OFFICER ON REMITTANCE OF BASIC TAX DATED 18-6-2012 FOR THE YEAR 2012-13**
EXT.P2	**COPY OF THE PURCHASE CERTIFICATE DATED 25-9-1974 ISSUED BY THE LAND TRIBUNAL, CHAVAKKAD**
EXT.P3	**COPY OF THE PURCHASE CERTIFICATE DATED 16-12-1976 ISSUED BY THE LAND TRIBUNAL, CHAVAKKAD**

RESPONDENTS EXHIBITS **NIL**

TRUE COPY

P.A TO JUDGE

SMM

A.V.RAMAKRISHNA PILLAI,J

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W.P.C. No.11103 of 2013

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Dated this the 28th day of January,2015.

J U D G M E N T

The petitioner approaches this Court alleging that illegal and arbitrary actions were being taken by the 2nd respondent Panchayath and respondents 4 to 7 for taking possession of petitioner's property under the guise of widening and tarring the road lying in front of the petitioner's property without resorting to the procedure under the Land Acquisition Act.

2. When the matter came up for consideration of this Court on 21-1-2015, the Panchayath was directed to submit the present state of affairs in the form of counter affidavit. As directed, counter affidavit has been filed by the 2nd and 3rd respondent wherein it was stated that the 2nd respondent Panchayath has not taken any decision to widen the said road and there is no basis for the apprehension that the 2nd respondent Panchayath would take any steps to take possession of the petitioner's property without the authority of law. It is further averred that the Panchayath would take

possession of the petitioner's property, if necessary, at any point of time only in accordance with law.

In the light of the said averments, the writ petition is closed without examining the merits.

A.V.RAMAKRISHNA PILLAI,
JUDGE

smm