

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 8591 of 2015 (Y)

PETITIONER(S) :

- 1. N.ANIRUDHAN
S/O.NARAYANAN, AGED 86 YEARS
LAL SADANAM, KOLANOOR
EZHUKONE, KOTTARAKARA,
KOLLAM DISTRICT.**
- 2. T.N. MYTHILI, W/O.ANIRUDHAN
AGED 75 YEARS, LAL SADANAM, KOLANOOR,
EZHUKONE, KOTTARAKARA
KOLLAM DISTRICT.**

BY ADV. SRI.ALEXANDER GEORGE

RESPONDENT(S) :

- 1. THE STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY
PUBLIC WORKS DEPARTMENT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT,
THIRUVANANTHAPURAM-695 001.**
- 3. THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT, ROADS DIVISION,
KOLLAM-691 001.**
- 4. THE ASST.EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT, ROADS DIVISION
KOTTARAKARA, KOLLAM-691 506.**
- 5. THE ASST. ENGINEER
PUBLIC WORKS DEPARTMENT, ROADS DIVISION
KOTTARAKKARA, KOLLAM-691 506.**

R1 TO R5 BY GOVT. PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

WP(C).No. 8591 of 2015 (Y)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 - TRUE COPY OF THE NOTICE DATED 1-1-2014 ISSUED BY 4TH
RESPONDENT.**
- EXT.P2 - THE TRUE COPY OF THE REPLY DATED 10-1-2014 SENT BY THE FIRST
PETITIONER TO THE 4TH RESPONDENT.**
- EXT.P3 - THE TRUE COPY OF THE PHOTOGRAPHS IN RESPECT OF THE
ENCROACHMENT OF THE RESPONDENTS.**
- EXT.P4 - THE TRUE COPY OF THE PETITION DATED 20-2-2015 TO THE
SUPERINTENDENT OF POLICE, KOLLAM.**
- EXT.P5 - THE TRUE COPY OF THE PETITION DATED 20-2-2015 TO THE SECOND
RESPONDENT CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT,
THIRUVANANTHAPURAM.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.8591 of 2015

Dated this the 18th day of March, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"i. Call for the records leading to the Ext.P1 Notice issued by the 4th respondent and the same may be quashed declared as illegal and not maintainable.

ii. Issue a writ of mandamus or any other appropriate writ, direction or order, directing second respondent to enquire into the illegal acts done in connection with the alleged encroachment and further eviction and demolition of properties of the petitioners and dispose of Ext.P5 petition filed by the first petitioner within a time specified by this Hon'ble Court.

iii. Issue a writ of mandamus or any other appropriate writ, direction or order, directing first respondent to enquire into the illegal acts done in connection with the alleged encroachment and further eviction and demolition of properties of the petitioners and if found guilty, strict punishment may be given as per the service rules.

iv. Issue a writ of mandamus or any other appropriate writ, direction or order, declaring that the action in demolishing and destroying the property, removal of sand and demolished materials are illegal and hence the Govt. officials have gone beyond their designated powers and misused their official capacity.

v. Issue a writ of mandamus or any other

appropriate writ, direction or order, directing the 3rd and 4th respondents to reinstate the property as existing before the demolition, in their personal capacity.

vi. Issue a writ of mandamus or any other appropriate writ, direction or order, directing the respondents No.3&4 to give proper compensation in their personal capacity for the illegal acts done and the hardships suffered by the petitioners.

vii. Issue such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. The learned counsel for the petitioners submits that, the grievance of the petitioners has also been projected by way of Ext.P5 petition and that the petitioners will be satisfied, if a direction is given to the 2nd respondent to have it considered and finalized within a reasonable time.

3. Heard the learned Government Pleader as well.

4. In view of the limited extent of relief sought for and proposed to be given, this Court does not find it necessary to deal with the merits of the case.

5. In the above circumstances, there will be a direction to the 2nd respondent to consider and pass appropriate orders on Ext.P5, after affording an opportunity of hearing to the petitioners and other interested parties, if any, in accordance

with law, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

The petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the second respondent, for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE.