IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 16632 of 2007 (E)

PETITIONER(S):

1. **JACOB C.KALLIVAYALIL, SECRETARY,**
   THE KOTTAYAM SAILING CLUB VEMBANAD LAKE, 5/238
   KUMARAKAM, KOTTAYAM - 686 563.

2. **THE KOTTAYAM SAILING CLUB, VEMBANAD**
   LAKE, 5/238, KUMARAKOM
   KOTTAYAM - 686 563, REPRESENTED BY ITS SECRETARY.

   BY ADV. SRI.R.SANJITH

RESPONDENT(S):

1. **STATE OF KERALA, REPRESENTED BY THE**
   SECRETARY (REVENUE), SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DISTRICT COLLECTOR, KOTTAYAM.**

3. **THE TAHSILDAR, KOTTAYAM.**

   BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN

   THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 16632 of 2007 (E)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1(a): TRUE COPY OF THE DOCUMENT BEARING NO.1548.

EXT.P1(b): TRUE COPY OF THE DOCUMENT BEARING NO.2225.

EXT.P1(c): TRUE COPY OF THE DOCUMENT BEARING NO.3788.

EXT.P1(d): TRUE COPY OF THE DOCUMENT BEARING NO.1400.

EXT.P2: TRUE COPY OF THE NOTICE DTD.19.5.2007.

EXT.P3: TRUE COPY OF THE REPLY FILED BY THE PETITIONERS DTD.21.5.2007.

EXT.P4: TRUE COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT DTD.21.5.2007.

EXT.P5: TRUE COY OF THE TAX RECEIPT DATED 4.12.2002.

EXT,P5(a): TRUE COPY OF THE TAX RECEIPT DTD.7.3.2007.

EXT.P6: TRUE COPY OF THE RECEIPT DTD.26.5.2007.

EXT. P7: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS DTD.26.5.2007.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms**v/**

K. Vinod Chandran, J

W.P.(C).No.16632 of 2007

Dated this the 03rd day of June, 2015

JUDGMENT

The petitioners were concerned with Exhibits P2 and P4 notices, which directed demolition of a bund allegedly built by the 2nd petitioner herein. The petitioners contend that the 1st petitioner is the Secretary of the 2nd respondent and the bund itself was constructed by the Irrigation Department.

2. Though the said bund is providing access to the members of the club, to the 2nd petitioner-club, the petitioners' specific contention is that the same has not been constructed by the petitioners and the Irrigation Department has constructed the same.

3. In any event, there was a stay granted as early as in 2007 from carrying on the demolition threatened as per the notices. The Government has not placed any counter affidavit on record. In such circumstances, it is ordered that Exhibits P2 and P4 shall stand set aside. However, if the Government is of the

opinion that proceedings are to be taken, it shall be done only in accordance with law and after issuing notice to the petitioners and the Irrigation Department.

The writ petition would stand disposed of as above. No costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]