

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 10430 of 2015 (C)

PETITIONER(S):

**JOHNSON, AGED 58 YEARS,
S/O.MULLAKKARA THOMAS, PUDUKKAD DESOM,
THORAVU VILLAGE, MUKUNDAPURAM TALUK.**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695001.**

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 10430 of 2015 (C)

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF STATEMENT DATED 4/7/13 SHOWING SETTLEMENT OF CASE
AGAINST PETITIONER**
- P2: COPY OF ORDER DATED 21/6/14 IN CRL.MP.NO.25/14 OF JFCM,
IRINJALAKKUDA**
- P3: COPY OF REPRESENTATION DATED 2/1/15 MADE BEFORE THE R2.**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 10430 of 2015

Dated this the 31st day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

“i. Issue a writ of mandamus or any other appropriate writ, order or direction to the respondents to release 20 cents of property of the petitioner comprised in survey No. 615, 617/2 & 622/1 of Thoravu Village to the petitioner by lifting the attachment order dated 19/4/2005 issued by the Judicial First Class Magistrate Court, Irinjalakkuda in ST.No.39/2004 and communicate the same to Thoravu Village.

ii. Issue a writ of mandamus or any other appropriate writ, order or direction to the 2nd respondent to consider Ext.P3 representation forthwith.

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

2. The learned counsel for the petitioner points out that the attachment is being continued for more than two years which is not legally sustainable by virtue of the relevant provisions of law, particularly under Section 85(2) of the Cr.P.C. Reliance is sought to be placed on the decision reported in **Babu v. State of Kerala** (2011 (3) KLT 383). It is stated that the petitioner has already

moved the 2nd respondent by filing Ext.P3 and the prayer is to cause the same to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides and in view of the limited relief sought for, the writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P3 in accordance with law, after giving an opportunity of hearing to the petitioner at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 2nd respondent for further steps.

sd/-

**P.R. RAMACHANDRA MENON,
JUDGE.**

kp/-