

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 10593 of 2015 (Y)

PETITIONER(S) :

- 1. S.PARVATHY AMMA, AGED 78 YEARS
W/O.LATE THIRUVIYAN PILLAI, LEKSHMI NIVAS
VAZHAPPALLY P.O., WARD NO.III, CHANGANACHERRY-3
KOTTAYAM DISTRICT.**
- 2. JAYALAKSHMI @ MANJU, AGED 41 YEARS
D/O.S.PARVATHY AMMA, LEKSHMI NIVAS, VAZHAPPALLY P.O.
WARD NO.III, CHANGANACHERRY-3, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.S.JAYAKRISHNAN
SRI.S.PARAMESWARA PRASAD**

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT
IRRIGATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN – 695 001.**
- 2. THE CHIEF ENGINEER (IRRIGATION & ADMINISTRATION)
STATE OF KERALA, THIRUVANANTHAPURAM, PIN – 695 001.**
- 3. THE EXECUTIVE ENGINEER
PAMPA IRRIGATION PROJECT,
I.T.I. JUNCTION, CHENGANUR
PIN - 689121.**

R1 TO R3 BY SR. GOVT. PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

WP(C).No. 10593 of 2015 (Y)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT-P1: TRUE COPY OF THE LAND TAX RECEIPT DATED 18.11.2014.

EXHIBIT-P2: TRUE COPY OF THE SURVEY SKETCH.

**EXHIBIT-P3: TRUE COPY OF JUDGMENT IN W.P.(C) NO.1649 OF 2015 (E) DATED
28.01.2015 OF THIS HON'BLE COURT.**

**EXHIBIT-P4: TRUE COPY OF ORDER NO.E2-60/15 DATED 03.03.2015 ISSUED BY THE
3RD RESPONDENT TO THE PETITIONERS.**

**EXHIBIT-P5: TRUE COPY OF THE APPEAL DATED 20.03.2015 SUBMITTED BY THE
PETITIONERS BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.10593 OF 2015
.....

Dated this the 9th April, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers:

"i. Issue a writ of mandamus or any other appropriate writ, order or direction, to call for the records leading to Exhibit P4 and quash the same;

ii) issue a writ in the nature of mandamus or any other appropriate writ, order or direction to the 3rd respondent not to demolish the compound wall constructed over the slab across the Pampa Irrigation Project Canal laid with his consent.

iii) issue a writ in the nature of mandamus or any other appropriate writ, order or direction to the 3rd respondent to maintain the compound wall as it is in the circumstances where the petitioners are expressed their consent to execute a bond and to regularise the construction.

iv) issue a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the 2nd respondent to consider and dispose of Exhibit P5 appeal as early as possible after affording an opportunity of being heard; And

v) issue such other order or direction as this Honourable Court may deem fit and proper in the facts and circumstances of the case."

2. The learned Counsel for the petitioners submits that pursuant to Ext.P3 judgment in W.P.(C)No.1649 of 2015, the matter was considered by the 3rd respondent/Executive Engineer, who passed Ext.P4 order dated 03.03.2015. This is sought to be challenged by filing Ext.P5 appeal before the 2nd respondent/Chief Engineer. 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, who submits that there is no provision for appeal and that the idea and understanding of the petitioners is thoroughly wrong and misconceived. However, it is added that the same could be treated as a representation and that the second respondent might be directed to consider and dispose of the same at the earliest.

4. In the said circumstance, the second respondent/Chief Engineer is directed to treat Ext.P5 as a representation and dispose of the same, within one month from the date of receipt

of a copy of the judgment, after affording an opportunity of hearing to the petitioners and other interested parties if any. 'Status quo' as on today shall be maintained till such time.

The writ petition is disposed of. The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the second respondent/Chief Engineer for further steps.

**P.R.RAMACHANDRA MENON
JUDGE**

/k