

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 10763 of 2015 (U)

PETITIONER(S):

**P.BABU, AGED 68 YEARS, S/O.PONNU NADAR,
RESIDING AT UMA NIVAS, R.C. STREET, NEYYATTINKARA,
NEYYATTINKARA P.O., THIRUVANANTHAPURAM-695 121.**

**BY ADVS.SRI.MOHAN JACOB GEORGE,
SMT.P.V.PARVATHI,
SMT.REENA THOMAS,
SMT.ARUNIMA LAURANCE.**

RESPONDENT(S):

- 1. KATTAKADA GRAMA PANCHAYATH,
KATTAKKADA P.O, THIRUVANANTHAPURAM-695 572,
REPRESENTED BY ITS SECRETARY.**
- 2. SECRETARY, KATTAKADA GRAMA PANCHAYATH,
KATTAKKADA P.O, THIRUVANANTHAPURAM-695 572.**
- 3. PRABHAKARAN, AGED 52 YEARS,
S/O.BHARGAVAN NADAR, SORYA BHAVAN,
KANACODU, PAPPANAM, AMBALATHINNKALA P.O.,
KATTAKADA, PIN- 695 572.**
- 4. SUB INSPECTOR OF POLICE,
KATTAKKADA POLICE STATION, KATTAKKADA,
THIRUVANANTHAPURAM, PIN-695 572.**

R4 BY GOVT. PLEADER SMT.SANJEETHA. K.A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: COPY OF THE JUDGMENT DATED 04.02.2012 IN O.S. NO.124/2009 OF THE ADDITIONAL MUNSIFF'S COURT, NEDUMANGAD.
- P2: COPY OF THE PERMIT NO.KP/SEC/3334/14 DATED 22.12.2014.
- P3: COPY OF THE REPRESENTATION DATED 22.12.2014 SUBMITTED TO THE SECRETARY OF THE PANCHAYATH.
- P3(A) COPY OF THE REPRESENTATION DATED 22.12.2014 SUBMITTED TO THE DEPUTY DIRECTOR OF PANCHAYATH.
- P3(B) ENGLISH TRANSLATION OF EXT.P3:
- P3(C) ENGLISH TRANSLATION OF EXT.P3(A)
- P4: COPY OF THE COMMUNICATION/STOP MEMO DATED 01.01.2015 ISSUED BY THE 2ND RESPONDENT ON BEHALF OF THE FIRST RESPONDENT.
- P4(A) ENGLISH TRANSLATION OF EXT.P-4
- P5: COPY OF COMMUNICATION DATED 08.01.2015 THE PANCHAYATH.
- P5(A) ENGLISH TRANSLATION OF EXT.P5:
- P6: COPY OF REPRESENTATION DATED 17.01.2015 SUBMITTED BY THE PETITIONER TO THE FIRST RESPONDENT AND TO THE SUB INSPECTOR OF POLICE, KATTAKADA.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.10763 of 2015

Dated this the 21st day of May, 2015.

JUDGMENT

The petitioner has come up before this Court alleging that the respondents who are under a statutory obligation to pass orders on Exts.P3 and P3(a), have not passed final orders on the representations.

2. The petitioner points out that Ext.P1 judgment was passed by the civil court in favour of the petitioner allowing recovery of the property which was trespassed upon by the third respondent. He alleges that ignoring the said judgment, showing the said property as his own, the third respondent has obtained Ext.P2 permit for construction of a building. Knowing this, the petitioner submitted Exts.P3 and P3(a) representations before respondents 1 and 2 on the basis of which, Ext.P4 memo was issued. The petitioner points out that till now, no final orders has been passed on Exts.P3 and P3(a).

3. Considering the nature of the prayer sought for, this

Court is of the view that the writ petition can be disposed of even without notice to the respondents.

Therefore, the writ petition is disposed of directing respondents 1 and 2 to consider and pass appropriate final orders on Exts.P3 and P3(a) representations within a period of one month from the date of receipt of a copy of this judgment, after affording the petitioner and the third respondent an opportunity of being heard. To facilitate an earlier action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of the judgment before respondents 1 and 2 at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.