

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

WP(C).No. 14907 of 2013 (K)

PETITIONERS :

1. M.P. NEELAKANDAN, AGED 65 YEARS,
S/O. CHELLI, ANTHIYOORKUNNU, SECRETARY
KOTTAPPURAM CHALIYIL,
PURAYA HARIJAN SMNASANA COMMITTEE,
ERNAD TALUK, MALAPAPURAM DISTRICT.
2. M.P. KOLAVAN, AGED 58 YEARS,
S/O. KARIKKUTTI, ANTHIYOORKUNNU, PRESIDENT
KOTTAPPURAM CHALIYIL
PURAYA HARIJAN SMNASANA COMMITTEE,
ERNAD TALUK, MALAPAPURAM DISTRICT.

BY ADV. SRI.PRAVEEN K. JOY

RESPONDENTS :

1. THE DISTRICT COLLECTOR
MALAPPURAM DISTRICT.
2. THE REVENUE DIVISIONAL OFFICER
PERINTHALMANNA, MALAPPURAM DISTRICT-679 001.
3. THE TAHSILDAR
ERNAD TALUK, MALAPPURAM DISTRICT.
4. THE SUB INSPECTOR OF POLICE
KONDOTTY POLICE STATION, MALAPAPURAM DISTRICT.
5. UNNIKRISHNAN, S/O.KOCULI CHATHAN,
CALIYIL HOUSE, ANTHIOORKUNNU P.O.,KOTTAPPURAM.
6. JAYAKRISHNA
S/O.KANCHULI CHATHAN, CHALIYIL HOUSE,
ANTHIOORKUNNU P.O., KOTTAPPURAM.
7. SHAJI KANCHULI, S/O.NEELAKANDAN,
CHALIYIL HOUSE, ANTHIOORKUNNU P.O.

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**8. UNNIKRISHNAN, S/O.UNNIKOVALAN,
CHALIYIL HOUSE, ANTHIOORKUNNU P.O.**

**R1 TP R4 BY GOVERNMENT PLEADER SRI. ARUNKUMAR M.R.
R5 TO R8 BY ADV. SRI.R.RAJESH KORMATH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

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APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE JUDGMENT DATED 17/1/2011 IN OS NO.197/2008
OF MUNSIFF'S COURT, MANJERI.**

**EXHIBIT P2: TRUE PHOTOSTAT COPY OF THE PETITION DATED 26/5/2013 BEFORE
THE 4TH RESPONDENT.**

EXHIBIT P3: TRUE COPY OF THE PETITION BEFORE THE 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 14907 of 2013

Dated this the 11th day of December, 2015

JUDGMENT

The petitioners submit that they are not seeking a relief against 8th respondent. Therefore, notice to 8th respondent is dispensed with.

2. The dispute in the writ petition as espoused by the petitioners, is in regard to a right on a burial ground at Kottapuram. The petitioner submits that they are the members of Kottapuram Chaliyil Puraya Harijan Smasana Committee and the members of the Committee are alone entitled for using it as a burial ground. The petitioners want to prevent others for using it as a burial ground.

3. This Court is of the view that, the petitioners shall approach 1st respondent—the District Collector, Malappuram with a representation. The District Collector shall verify the

right of use of the burial ground and take appropriate decision after hearing the petitioners as well as respondents 5 to 7. Appropriate decision shall be taken within a period of two months, from the receipt of such representation, subject outcome of any pending litigation before the Civil Court.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bpr