

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYASHTA, 1937

W.P.(C).No.12742 of 2015 (P)

PETITIONER(S):

1. RAJAGOPAL C.L., AGED 49 YEARS, S/O.LAKSHMANAN,
CHERIKKATHARA HOUSE, SOUTH MALIPURAM,
AZHEEKAL P.O., ERNAKULAM DISTRICT, PIN-682 508.
2. SURESH BABU AGED 56 YEARS, S/O.LAKSHMANAN,
CHERIKKATHARA HOUSE, NOW RESIDING AT, 1487 A.20,
PALLURUTHY, ERNAKULAM DISTRICT, PIN-682 006.
3. SULEKHA, ATED 54 YEARS, D/O.LAKSHMANAN,
CHERIKKATHARA HOUSE,
NOW RESIDING AT 14/599 (637), NAMBOOTHIRI KANDATHIL,
EDAKOCHI, ERNAKULAM DISTRICT, PIN-682 010.
4. SHALVI, AGED 53 YEARS, S/O.LAKSHMANAN, CHERIKKATHARA HOUSE,
SOUTH MALIPPURAM,
AZHEEKAL P.O., ERNAKULAM DISTRICT, PIN-682 508.
5. VENUGOPAL, AGED 48 YEARS, S/O.LAKSHMANAN,
CHERIKKATHARA HOUSE, SOUTH MALIPPURAM
AZHEEKAL P.O., ERNAKULAM DISTRICT, PIN-682 508.
6. SOMALATHA, AGED 78 YEARS, W/O.KRISHNAN LAKSHMANAN,
CHERIKKATHARA HOUSE, SOUTH MALIPPURAM, AZHEEKAL P.O.,
ERNAKULAM DISTRICT, PIN-682 508.

BY ADVS.SRI.ALIAS M.CHERIAN
SRI.K.M.RAPHY.

RESPONDENT(S):-

1. DEPUTY DIRECTOR OF FISHERIES,
OFFICE OF THE DEPUTY DIRECTOR OF FISHERIES,
ERNAKULAM ZONE, ERNAKULAM-682 018.
2. SUB INSPECTOR OF FISHERIES (BLACK WATER),
NARAKKAL, ERNAKULAM-682 505.
3. KERALA FISHERMEN WELFARE FUND BOARD,
THRISSUR, PIN-680 002,
REPRESENTED BY THE FISHERIES OFFICER,
FISHERIES OFFICE,
KERALA FISHERMEN WELFARE FUND BOARD, NARAKKAL,
PIN-682 505, ERNAKULAM.

R1 & R2 BY SENIOR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR.
R3 BY STANDING COUNSEL SRI.ASOK M.CHARIYAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1. TRUE COPY OF RECEIPTS DATED 7/3/1972.
EXT.P2. TRUE COPY OF RECEIPTS DATED 23/8/1976.
EXT.P3. TRUE COPY OF RECEIPTS DATED 27/1/1980.
EXT.P4. TRUE COPY OF RECEIPTS DATED 24/1/1986.
EXT.P5. TRUE COPY OF RECEIPTS DATED 6/10/1993.
EXT.P6. TRUE COPY OF THE TAX RECEIPTS DATED 24/11/2004.
EXT.P7. TRUE COPY OF THE TAX RECEIPTS DATED 3/3/2014.
EXT.P8. TRUE COPY OF THE TAX RECEIPTS DATED 27/3/1976.
EXT.P9. TRUE COPY OF THE TAX RECEIPTS DATED 23/8/1976.
EXT.P10. TRUE COPY OF THE TAX RECEIPTS DATED 27/1/1980
EXT.P11. TRUE COPY OF THE TAX RECEIPTS DATED 11/12/1981.
EXT.P12. TRUE COPY OF THE TAX RECEIPTS DATED 16/8/1983.
EXT.P13. TRUE COPY OF THE TAX RECEIPTS DATED 24/1/1986.
EXT.P14. TRUE COPY OF THE TAX RECEIPTS DATED 29/11/2004.
EXT.P15. TRUE COPY OF DEATH CERTIFICATE BEARING NO.1076
DATED 28/2/2014.
EXT.P16. TRUE COPY OF THE PASS BOOK NO.8/2196 AND 13/1118
DATED 27/1/2011.
EXT.P17. TRUE COPY OF THE IDENTITY CARD BEARING NO.KL/11/071/339487
DATED 6/1/1998.
EXT.P18. TRUE COPY OF THE NOTICE NO.B1-1317/95 DATED 31/3/2014.
EXT.P19. TRUE COPY OF NOTICE NO.B1/1317/95/72&73 DATED 6.5.2015.
EXT.P20. TRUE COPY OF REPLY DATED 28.05.2015.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.12742 of 2015-P

Dated this the 08th day of June, 2015

JUDGMENT

Petitioners 1 to 5 are the children of the 6th petitioner. The petitioners in the above writ petition claim that they are the owners of 7½ stake nets situated at Oachanthuruth in Elankunnapuzha Grama Panchayat, which were removed for widening the National Waterways.

2. The learned Government Pleader submits that the petitioners' claim could not be considered for want of documents.

3. The petitioners submit, on the basis of Exhibit P19 dated 06.05.2015 produced today, that the petitioners were asked to produce the documents which the petitioners have produced as per Exhibit P20. However, there is no document seen produced as per Exhibit P20 and it is merely a reply. The petitioners' contention is that, earlier itself they had produced the documents. In any event, on the basis of the reply produced at Exhibit P20

and the documents available on record, the Government would consider and decide on the compensation, after hearing the representative(s) of the petitioners, within a period of three months from today.

The writ petition is disposed of as above.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]