

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

WP(C).No. 12836 of 2015 (D)

PETITIONER :

**MOLY PANKAJAKSHAN, AGED 52 YEARS
W/O. PANKAJAKSHAN, CHIRAYIL HOUSE
PARAYAKAD (PO), CHERTHALA
ALAPPUZHA DISTRICT, PIN-688 540.**

**BY ADVS.SRI.M.I.JOHNSON
SRI.T.K.MOIDEENKUTTY**

RESPONDENT(S) :

- 1. KUTHIYATHODU GRAMA PANCHAYATH
THURVUR (PO), ALAPPUZHA DISTRICT
REPRESENTED BY ITS SECRETARY
PIN:688 532.**
- 2. THE SECRETARY,
KUTHIYATHODU GRAMA PANCHAYATH
THURUVUR (PO), ALAPPUZHA DISTRICT
PIN-688 532.**

**R1 & R2 BY ADVS. SRI.P.SANTHOSH KUMAR (TR)
SRI.T.P.SAJAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 12836 of 2015 (D)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1: TRUE COPY OF THE DECISION OF THE RESPONDENT GRAMA PANCHAYATH TRANSFERRING THE LEASE IN FAVOUR OF THE PETITIONER DATED 02.2.2001.
- EXHIBIT P2: TRUE COPY OF THE RECEIPT FOR PAYMENT OF GROUND RENT IN THE YEAR 1994.
- EXHIBIT P3: TRUE COPY OF THE RECEIPT FOR PAYMENT OF GROUND RENT IN THE YEAR 2014.
- EXHIBIT P4: TRUE COPY OF THE BUILDING TAX RECEIPT DATED 03.3.2008.
- EXHIBIT P5: TRUE COPY OF THE PROFESSIONAL TAX RECEIPT DATED 27.9.2001.
- EXHIBIT P6: PHOTOGRAPH OF THE PROPERTY AFTER CONSTRUCTION OF THE WORK SHOP.
- EXHIBIT P7: TRUE COPY OF THE NOTICE SENT BY THE 2ND RESPONDENT DATED 02.12.2013.
- EXHIBIT P8: TRUE COPY OF THE EXPLANATION DATED 21.2.2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT P9: TRUE COPY OF THE NOTICE DATED 20.3.2015 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P10: TRUE COPY OF THE NOTICE DATED 20.3.2015 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P11: TRUE COPY OF THE APPLICATION DATED 31.3.2015, UNDER RIGHT TO INFORMATION ACT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.V.RAMAKRISHNA PILLAI, J

WPC No.12836 of 2015

Dated this the 29th day of May, 2015

JUDGMENT

Aggrieved by Ext.P10 issued by the respondent Panchayat, the petitioner has come up before this Court.

2. The petitioner is conducting an automobile workshop nearby NCC junction, abutting NH 47, in a property owned by the first respondent Grama Panchayath. As this property has become useless for any other purpose due to an 11 KV electricity tower and an 11 KV over head electric line passing across it, the respondent Grama Panchayat in the year 1993 gave the vacant property on lease to the husband of the petitioner which was later on leased by the grama panchayat to the petitioner in the year 2001. The husband of the petitioner after getting the above vacant land on lease constructed a shed in the property to conduct an automobile workshop. The business is being run after paying requisite professional tax to the respondent Grama Panchayat; so

submitted the learned counsel for the petitioner.

3. On 14.12.2013, the petitioner received a notice dated 2.12.2013 from the second respondent saying that some people of the locality have filed some complaints and hence the grama panchayat decided to get the petitioner evicted and demanded the petitioner to hand over the vacant possession of the property within three months from the date of receipt of notice. On 21.2.2014, the petitioner submitted an explanation to the 2nd respondent pointing out the fact of non-supply of complaint to the petitioner as well as the practical difficulties for giving vacant possession of the property. On 12.3.2014, the petitioner received an intimation dated 10.3.2014 from the second respondent for a personal hearing on 15.3.2014. On 15.3.2014, the petitioner along with her husband went to the office of the second respondent for hearing. But the second respondent instead of hearing the matter directed the petitioner to vacate the property.

4. On 25.3.2015, the petitioner received a notice

dated 20.3.2015 issued by the second respondent directing her to vacate the building within 30 days of the date of receipt of notice. As no order was served to the petitioner, the petitioner on 31.3.2015 filed an application under Right to Information Act to the respondent Grama Panchayat. Till date, no information has been received by the petitioner in Ext.P11 application. It is with this background, the petitioner has come up before this Court.

5. Arguments have been heard.

6. The learned counsel for the petitioner submits that he was not served with the copy of the complaint.

7. The learned standing counsel for respondent Panchayat would submit that the Panchayat is ready to hear the petitioner and the petitioner be directed to submit his written objections before the respondent Panchayat.

This writ petition is disposed of as under:

The respondent Panchayat shall serve a copy of the complaint to the petitioner within two weeks from the date of receipt of a copy of this judgment.

In the event of receiving a copy of such complaint, the petitioner shall submit written objections before the respondent Panchayat within a period of two weeks thereafter. After this process is over, the respondents, after affording the petitioner an opportunity of being heard, shall pass final orders in the matter. Till that exercise is completed, the existing state of affairs will continue.

sd/- A.V.RAMAKRISHNA PILLAI
JUDGE

css/

true copy

P.S.TO JUDGE