

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C) .No. 20253 of 2007 (J)

PETITIONER(S) :

SANTHOSH MATHEW,
S/O MATHEW, AGED 33 YEARS,
RESIDING AT ELASSERIL HOUSE, MARANGATTUPALLY P.O.,
ANDOOR KARA, ELAKKADU VILLAGE,
MEENACHIL TALUK.

BY ADV. SRI.GEORGE POONTHOTTAM.

RESPONDENT(S) :

1. TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, NANDANKODE,
THIRUVANANTHAPURAM.
2. THE ASSISTANT DEVASWOM COMMISSIONER,
DEVASWOM COMMISSIONER OFFICE, ETTUMANOOR MAHADEVA
TEMPLE, ETTUMANOOR VILLAGE, KIZHAKKUMBHAGOM KARA,
KOTTAYAM TALUK.
3. THE SUB GROUP OFFICER,
LALAM DEVASWOM SUB GROUP OFFICE, LALAM VILLAGE,
MEENACHIL TALUK.
4. THE PALA MUNICIPALITY,
PALA, REPRESENTED BY ITS SECRETARY.
5. THE VILLAGE OFFICER,
LALAM VILLAGE.
6. THE ADDITIONAL TAHSILDAR,
TALUK OFFICE, MEENACHIL.
7. THE DISTRICT COLLECTOR,
KOTTAYAM.

R.1,3 BY ADV. SRI.K.N.VENUGOPALA PANICKER, SC, TDB
R4 BY ADV. SRI.V.M.KURIAN
R4 BY ADV. SRI.MATHEW B. KURIAN
R4 BY ADV. SRI.K.T.THOMAS.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT-P1- TRUE COPY OF THE ORDER IN IA NO.2361/06 IN OS NO.333/06
DATED 18/12/2006.

EXHIBIT-P2- TRUE COPY OF THE ORDER IN IA NO.2361/06 OS NO.333/06
DATED 09/04/2007.

EXHIBIT-P3- TRUE COPY OF THE ORDER DATED 30/01/2007.

EXHIBIT-P4- TRUE COPY OF THE STOP MEMO ISSUED BY THE VILLAGE
OFFICER DATED 14/02/2007.

EXHIBIT-P5- TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER
BEFORE THE DISTRICT COLLECTOR.

EXHIBIT-P6- TRUE COPY OF THE COMMUNICATION NO.B6-635/06 DATED
04/05/2007.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. VINOD CHANDRAN, J.

W.P(C). No.20253 of 2007

Dated this the 25th day of May, 2015.

JUDGMENT

The petitioner is concerned with Exts.P3,P4 and P6. Ext.P3 is an interim stop memo, issued by the Local Self Government Institution, impleaded as the 4th respondent herein, from carrying on a construction; which has been finalised in Ext.P6. Ext.P4 is a stop memo issued by the Village Officer with respect to the very same construction carried on by the petitioner.

2. The Local Self Government Institution as well as the Village Officer acted on the basis of a complaint received from the 1st respondent, Devaswom Board, with respect to an encroachment of their property. The issue of encroachment was agitated by the Devaswom Board in O.S. No.333 of 2006 filed before the Munsiff's Court, Pala. Though, initially an order of injunction restraining the petitioner herein from carrying on the construction was passed, subsequently the same was vacated as per Ext.P2, wherein the constructions, if any, carried out were held to be subject to the result of the suit. The petitioner also undertook before the Civil Court that he would take the risk of

constructing the building, subject to the final orders passed in the suit.

3. Obviously, a reading of Ext.P4 and Ext.P6 would indicate that it is at the instance of the Devaswom Board, that the Village Officer and the Local Self Government Institution passed the prohibitive orders challenged in the writ petition. The petitioner, at the time of admission, was granted an interim order and it is submitted by the learned counsel appearing for the petitioner as also the learned counsel appearing for the 4th respondent Municipality that the construction has been completed and the Municipality has also numbered the building. Suffice it to notice that the same would be subject to the result of the suit or the further proceedings filed against the judgment in O.S. No.333 of 2006 by the Munsiff's Court, Pala.

The writ petition hence would stand closed with the above observation.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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