

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 13109 of 2015 (K)

PETITIONER(S):

**SAVITHRI AMMA, AGED 52 YEARS,
ANAMPOIKA MELE PUTHEN VEEDU, (KARTHIKA VILASAM),
PARAKUNNU P.O, NAVAIKULAM VILLAGE, VARKALA TALUK,
THIRUVANANTHAPURAM DISTRICT-695 603.**

**BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)**

RESPONDENT(S):

- 1. THE KERALA STATE COMMISSION FOR
SCHEDULED CASTS AND SCHEDULED TRIBES
THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY, AYYANKALI BHAVAN
KANAKANAGAR, VELLAYAMBALAM,
THIRUVANANTHAPURAM. 695 001.**
- 2. THE TAHASILDAR,
VARKALA TALUK, TALUK OFFICE, VARKALA,
THIRUVANANTHAPURAM 695 141.**
- 3. THE DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE, ATTINGAL,
THIRUVANANTHAPURAM 695 101.**
- 4. BINDU,
RADHA BHAVANAM, PARAKUNNU PO, NAVAIKULAM VILLAGE,
VARKALA TALUK, THIRUVANANTHAPURAM DISTRICT 695 603.**

**R1,2,3 BY SPECIAL GOVERNMENT PLEADER SMT.LALI VINCENT
R4 BY ADVS. SRI.S.JAYAKRISHNAN (VARKALA)
R4 BY ADV. SRI.C.R.VIJAYAKUMARAN PILLAI
R4 BY ADV. SRI.A.CHANDRA BABU
R4 BY ADV. SRI.R.SANTHOSH (VARKALA)
R4 BY ADV. SMT.S.V.HARITHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1- A TRUE COPY OF THE COMPLAINT DATED 22/01/2014 SUBMITTED BY
THE 4TH RESPONDENT, BEFORE THE FIRST RESPONDENT**
- EXT.P2- A TRUE COPY OF THE ORDER DATED 21/01/2015 PASSED BY THE
CHAIRMAN OF THE FIRST RESPONDENT COMMISSION**
- EXT.P3- A TRUE COPY OF THE ORDER NO. C3/5483/13 DATED 27/03/2015
PASSED BY THE SECOND RESPONDENT**
- EXT.P4- A TRUE COPY OF THE INTERIM ORDER DATED 01/04/2015 PASSED BY
THE MUNSIFF'S COURT VARKALA IN I.A. NO. 1013/15 IN O.S. NO. 142/15**

RESPONDENT(S)' EXHIBITS

- EXT.R4(A); THE TRUE COPY OF THE SALE DEED NO 533/2013 OF NAVAIKKULAM
SRO IN THE NAME OF THE RESPONDENT NO.4**
- EXT.R4(B): THE TRUE COPY OF THE PLAINT IN OS.142/15 ON THE FILES OF THE
HON'BLE MUNSIFF'S COURT VARKALA.**

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.13109 of 2015

Dated this the 10th day of September, 2015.

J U D G M E N T

The petitioner, aggrieved by Ext.P2 order and P3 notice, has approached this Court.

2. Ext.P2 is arising out of the proceedings initiated by the Kerala State Commission for Scheduled Castes and Scheduled Tribes. By the above order, the Tahsildar/4th respondent was directed to measure the property of the petitioner therein and remove the obstacles. The 4th respondent belongs to Scheduled Caste community. Ext.P3 notice issued to implement Ext.P2 order.

3. On instruction, the learned Government Pleader submits that this matter is related to an issue of using a pathway and there is a civil suit pending, filed by another beneficiary of the path way against the 4th respondent and some other persons also. The said suit is pending as O.S.No.142/15 on the file of the Munsiffs court, Varkkala,

and there is also an interim injunction in the matter restraining the 4th respondent.

4. The 4th respondent has also filed a counter in this matter admitting the pendency of the suit. However, it is stated that it is an ex parte order.

5. This Court is of the view that, in view of the above matter, till the disposal of the civil suit or any other order enabling the 4th respondent to use the pathway in question, Ext.P2 order shall be deferred. If the suit or injunction application is disposed of in favour of the 4th respondent, necessarily, based on the decision of the Civil court, the official respondents shall enforce Ext.P2 order in accordance with law.

The writ petition is disposed of accordingly.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge