

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 13727 of 2014 (M)

PETITIONER:

PREMAN CHOORAKAI, AGED 58 YEARS,
S/O.ITTIERI, PONOTHUMKUZHI HOUSE, PULLIPARAMBIL P.O.,
CHELEMBRA, MALAPPURAM-673 634.

BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E)

RESPONDENTS:

1. THE SECRETARY, CHELEMBRA GRAMA PANCHAYAT,
CHELEMBRA P.O.
MALAPPURAM-673 636.
2. SUSHEELA,
W/O.LATE BALACHANDRAN, MANAGER,
SUBRAMANIA VILASAM U.P.SCHOOL, CHELEMBRA,
MALAPPURAM-673 636.

R1 BY ADV. SRI.V.V.SURENDRAN
R1 BY ADV. SRI.P.A.HARISH
R2 BY ADV. SRI.JIJI THOMAS
R2 BY ADV. SRI.SMITHA MATHEW

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1: PHOTOGRAPHS SHOWING THE CONSTRUCTION BY ENCROACHING
INTO THE PUBLIC ROAD.

EXHIBIT-P2: TRUE COPY OF COMPLAINT DATED 24.5.2014 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 13727 of 2014 (M)

Dated this the 5th day of February, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Grama Panchayath, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, who is the owner of a small shop on the land in survey No. 112/3 of Chelembra village, Malappuram District, is said to have voluntarily surrendered a portion of his property for widening the road. Presently, his grievance is that the second respondent, without any manner of right, has started encroaching upon a portion of the said public road, thereby causing hardship to all concerned, including the petitioner. In that regard, the petitioner is said to have submitted Ext.P2 representation to the first respondent, who is yet to dispose it of. Complaining

of the delay in resolving the issue on the part of the first respondent, the petitioner has approached this Court.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner and the learned Standing Counsel, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the first respondent to consider the petitioner's Ext.P2 representation in accordance with law, after affording an opportunity of hearing not only to the petitioner but also to the second respondent, and pass appropriate orders thereon as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

