

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 17963 of 2009 (M)

PETITIONER(S) :

1. RAJUDEVAN,
S/O.VASUDEVAN, AGED 50,
VIJAYASADANAM, KANJIPADOM, KARUMADY,
ALAPPUZHA.
2. PRASANNAN,
S/O.VASUDEVAN, AGED 63,
VIJAYASADANAM, KANJIPADOM, KARUMADY
ALAPPUZHA.

BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY IRRIGATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. THE ASSISTANT ENGINEER,
IRRIGATION SECTION, THOTTAPPALLY P.O.
3. SREEKUMAR,
S/O.P.N.SIVANANDAN,
PUTHENPARAMBIL, KANJIPPADAM MURI, KARUMADI VILLAGE,
ALAPPUZHA.
4. UNNIKRISHNAN,
S/O.LATE GOPALAN, NARAKATHARA, KANJIPPADAM MURI,
KARUMADI VILLAGE, ALAPPUZHA.
5. GOPAKUMAR,
S/O.LATE GOPINATHAN,
ATHICHIRA, KARUMADI VILLAGE, ALAPPUZHA.
6. MADHU,
S/O.LATE SUKUMARAN,
CHELITHARA, KARUMADI VILLAGE, ALAPPUZHA.

R3 & 5 BY ADV. SRI.S.SANAL KUMAR
BY GOVERNMENT PLEADER SRI.SOJAN JAMES.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT.P1. TRUE COPY OF THE GIFT DEED NO.2103.
- EXT.P2. TRUE COPY OF THE PROPERTY TAX RECEIPT DATED 16/03/89.
- EXT.P2 (A) . TRUE COPY OF THE PROPERTY TAX RECEIPT DATED 29/03/2000.
- EXT.P3. TRUE COPY OF THE NOTICE NO.A5 DATED 08/06/07.
- EXT.P4. TRUE COPY OF THE INTERIM ORDER DATED 15/06/2007 IN WP(C) NO.18506/2007.
- EXT.P5. TRUE COPY OF THE ORDER DATED 29/05/2009 IN IA NO.1243/2009 IN OS NO.348/2009.
- EXT.P6. TRUE COPY OF THE NOTICE NO.TS/GEN/2003 DATED 23/06/2009.

RESPONDENT(S) ' EXHIBITS:

- EXT.R2 (A) . TRUE COPY OF THE LETTER NO.543/IR3/09/WRD DATED 13/01/2009 ISSUED BY THE UNDER SECRETARY, WATER RESOURCES (IR) DEPARTMENT.
- EXT.R2 (B) . TRUE COPY OF THE SAID ORIGINAL OF THIS SKETCH AND PLAN.
- EXT.R2 (C) . TRUE COPY OF THE REPORT DATED 24/06/2009.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V.RAMAKRISHNA PILLAI, J

WPC No.17963 of 2009

Dated this the 8th day of October, 2015

JUDGMENT

This writ petition was dismissed on 22nd September 2015 because of the non-representation of the petitioner and the failure to take steps to issue notice to respondents 4 and 6. However, later, the learned counsel for the petitioner appeared on 28.9.2015 and submitted genuine reasons for his non-appearance on the previous posting date. Accordingly, the judgment was recalled. Again the case was posted to 7.10.2015. As there was no representation for the petitioner on that date, the case was adjourned to this date. As there is no representation for the petitioner today also and as steps were not taken to issue notice to respondents 4 and 6, this writ petition is dismissed.

**Sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

CSS/

true copy

P.S.TO JUDGE