

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

W.P.(C).No.14291 of 2015 (J)

PETITIONER(S):-

P.V.SADASIVAN, AGED 47 YEARS, S/O.VELUTHAKUNJU,
PUTHEN VEEDU (NEAR RAILWAY STATION),
THITTAMEL MURI, VADAKKEKARA VILLAGE, CHENGANNUR,
ALAPPUZHA.

BY ADV. SRI.P.VINODKUMAR.

RESPONDENT(S):-

1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINISTRY OF RAILWAYS,
RAIL BHAVAN, NEW DELHI - 110 001.

2. THE DIVISIONAL MANAGER,
TRIVANDRUM DIVISION (WORKS BRANCH),
THIRUVANANTHAPURAM - 695 001.

3. THE ESTATE OFFICER,
SOUTHERN RAILWAY, DIVISION OFFICE, WORKS BENCH,
THIRUVANANTHAPURAM - 695 001.

R1 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL.
R1 BY CENTRAL GOVERNMENT COUNSEL SRI.M.L.SURESH KUMAR.
R2 & R3 BY STANDING COUNSEL SRI.C.S.DIAS.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.14291 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS:-

EXT.P1 - TRUE COPY OF THE JUDGMENT DATED 01.03.07 IN
WP(C).6825/07 OF THIS HON'BLE COURT.

EXT.P2 - TRUE COPY OF THE NOTICE 27.2.2015.

EXT.P3 - TRUE COPY OF THE REPLY GIVEN BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.14291 of 2015-J

Dated this the 07th day of August, 2015

JUDGMENT

The petitioner is said to be a person who has a residential house in the premises of the Railways. Petitioner, a 47 year old person, is said to be residing in the said building from the date of his birth. Earlier in the year 2007 when the respondents took steps to evict the petitioner, the petitioner approached this Court with a writ petition, wherein this Court directed the respondents to hear the petitioner and pass appropriate orders. It is averred in the writ petition that, pursuant to the direction of this Court the petitioner was heard and it was found that the property in question is not included as a Railway property and, therefore, dropped all further proceedings. Now, the petitioner has been issued with Exhibit P2 notice for vacation of the premises under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, against which he has filed objections, evidenced at Exhibit P3.

2. In the above circumstance, it is incumbent upon the Officer authorized under the Act, to consider the objections at Exhibit P3, after affording an opportunity of hearing. The petitioner and respondents shall appear before the Estate Officer on 02.09.2015, on which date, a date of hearing shall be given and personal acknowledgment received. The matter shall be disposed of within two months from the date of hearing. The petitioner shall not be dispossessed till a decision is taken.

Writ petition is disposed of.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]