

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 14536 of 2015 (N)

PETITIONER(S):

- 1. RAJESH KUMAR T.K., SON OF LATE KANDAN,
AGED 34 YEARS, THAZHATHETHIL,
MANNUR WEST P.O., MANNUR, PALAKKAD.**
- 2. K.M. MOHAMMED, SON OF MEERANKUTTY,
AGED 40 YEARS, KETTINGAL PALLIYAL KOTTAKUNNU,
MANNUR WEST P.O, MANNUR, PALAKKAD.**
- 3. E.S. VISWAMBARAN, SON OF SHANKARA NARAYANAN,
AGED 50 YEARS, ERUMBIDIKULAM,
GANDHI SEVA SADAN PO, MANNUR, PALAKKAD.**

BY ADV. SRI.JACOB SEBASTIAN.

RESPONDENT(S):

- 1. THE SUB COLLECTOR, OTTAPALAM,
PALAKKAD DISTRICT, PIN-679 101.**
- 2. THE VILLAGE OFFICER,
LAKKIDI-PERUR VILLAGE,
PALAKKAD DISTRICT, PIN-679 301.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONERS' EXHIBITS:

- EXT.P1 - A TRUE COPY OF THE IDENTITY CARD ISSUED TO THE FIRST PETITIONER.
- EXT.P2 - A TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED TO THE FIRST PETITIONER.
- EXT.P3 - A TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED TO THE FIRST PETITIONER.
- EXT.P4 - A TRUE COPY OF THE STOP MEMO DATED MAY 4, 2015 ISSUED BY THE SECOND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

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Dated this the 8th day of June, 2015

J U D G M E N T

The petitioners are vendors, who are aggrieved with the notice issued at Ext.P4. The short contention of the petitioner is that, the Village Officer who had issued Ext.P4 does not have the jurisdiction to issue such a notice; as provided under Section 11 of the Kerala Land Conservancy Act, 1957 (for brevity, 'the Act').

2. The learned Government Pleader would submit that the Village Officer had issued the notice on the instructions of the Sub-Collector and that the petitioner's bunk shops are a cause of nuisance to a school; abutting the boundary wall of which the bunk shops are constructed. The Parents Teachers Association of the school had filed a complaint before the Sub Collector with the grievance that, the said bunk shops wherein

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eateries are also carried on are used for consumption of liquor; by procuring the same from a nearby Beverages Corporation outlet.

3. However, in the teeth of the contention raised by the petitioner that, Ext.P4 is issued without jurisdiction, the same has to be found in their favour going by the provisions of the Act. However, the Sub Collector, who had received the complaint could issue notice under Section 11 of the Act and also after giving an opportunity of hearing under Section 12 of the Act, pass orders under the Act as provided therein.

The writ petition is disposed of, making it clear that, unless such orders as directed herein are passed, the petitioners shall not be evicted.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

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// true copy //

P. A to Judge.