

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 18921 of 2009 (I)

PETITIONER(S):

**C.K.JOSE, AGED 59 YEARS, S/O. KURIAKOSE,
CHIRAKALKUDIYIL HOUSE, WARD NO.XIX, ANGAMALY.**

**BY ADVS.SRI.A.JAYASANKAR
SRI.MANU GOVIND**

RESPONDENT(S):

- 1. THE ANGAMALY MUNICIPALITY,
MUNICIPAL OFFICE, ANGAMALY, REPRESENTED BY
ITS SECRETARY.**
- 2. SMT. PARUKUTTY, W/O. LATE NANU KUTTAN,
AAVANAMKODE HOUSE, WARD NO.XIX, ANGAMALY.**
- 3. SRI.A.N.KUTTAPPAN,S/O. LATE NANU KUTTAN,
AAVANAMKODE HOUSE, WARD NO.XIX, ANGAMALY.**
- 4. SRI. A.N.SASI, S/O. LATE NANU KUTTAN,
AAVANAMKODE HOUSE, WARD NO.XIX, ANGAMALY.**
- 5. SRI. A.N.SUDHA, D/O. LATE NANU KUTTAN,
AAVANAMKODE HOUSE, WARD NO.XIX, ANGAMALY.**
- 6. SRI. A.N.MURALY, S/O. LATE NANU KUTTAN,
AAVANAMKODE HOUSE, WARD NO.XIX, ANGAMALY.**
- 7. SRI. A.N.AJI, S/O. LATE NANU KUTTAN,
AAVANAMKODE HOUSE, WARD NO.XIX, ANGAMALY.**

**R1 BY SRI.P.SANTHALINGAM (SR.),SC FOR R1
BY ADV. SRI.R.S.SARAT
R2 & 6 BY ADV. SRI.A.VIJAYAKUMAR
R2 & 6 BY ADV. SRI.A.N.SANTHOSH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS

- EXT.P1: COPY OF THE COMPLAINT DATED 18.07.1997 BEFORE THE FIRST RESPONDENT.
- EXT.P2: COPY OF THE NOTICE DATED 02.0.97 ISSUED BY THE FIRST RESPONDENT TO THE DECEASED NANUKUTTAN.
- EXT.P3: COPY OF THE REPORT DATED 22.11.97 WITH SKETCH THEREOF PREPARED BY REVENUE INSPECTOR, ANGAMALY.
- EXT.P4: COPY OF THE REPORT DATED 16.12.97 WITH SKETCH THEREOF VILLAGE OFFICER, ANGAMALY.
- EXT.P5: PHOTOGRAPH SHOWING THE CONSTRUCTION OF COMPOUND WALL IN THE ENCROACHED PROPERTY
- EXT.P6: PHOTOGRAPH SHOWING THE CONSTRUCTION OF COMPOUND WALL IN THE ENCROACHED PROPERTY.
- EXT.P7: PHOTOGRAPH OF THE PERMANENT CONSTRUCTION MADE BY THE PETITIONER ON 23.11.07.
- EXT.P8: PHOTOGRAPH OF THE PERMANENT CONSTRUCTION MADE BY THE PETITIONER ON 23.11.07.
- EXT.P9: COPY OF THE COMPLAINT DATED 24.12.07 BY PETITIONER BEFORE FIRST RESPONDENT.
- EXT.P10: COPY OF THE NOTICE AND ORDER DATED 02.01.08 ISSUED BY THE FIRST RESPONDENT TO DECEASED NANUKUTTAN.
- EXT.P11: PHOTOGRAPH OF DEMOLITION CAUSED BY FIRST RESPONDENT ON EXT.P10 (MUNICIPAL ENGINEER IS ALSO SEEN, SUPERVISING THE WORK.)
- EXT.P12: PHOTOGRAPH OF DEMOLITION CAUSED BY FIRST RESPONDENT ON EXT.P10.
- EXT.P13: PHOTOGRAPH OF DEMOLITION CAUSED BY FIRST RESPONDENT ON EXT.P10.
- EXT.P14: PHOTOGRAPH OF DEMOLITION CAUSED BY FIRST RESPONDENT ON EXT.P10.
- EXT.P15: PHOTOGRAPH OF DEMOLITION CAUSED BY FIRST RESPONDENT ON EXT.P10.
- EXT.P16: PHOTOGRAPH OF DEMOLITION CAUSED BY FIRST RESPONDENT ON EXT.P10.

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- EXT.P17: COPY OF THE JUDGMENT DATED 29.02.2008 IN W.P.C 7043 OF 2008.**
- EXT.P18: PHOTOGRAPH SHOWING THE DEMOLITION CAUSED BY FIRST RESPONDENT ON EXT.P17 JUDGMENT.**
- EXT.P19: PHOTOGRAPH SHOWING THE DEMOLITION CAUSED BY FIRST RESPONDENT ON EXT.P17 JUDGMENT.**
- EXT.P20: PHOTOGRAPH SHOWING THE RECONSTRUCTION DONE BY THE RESPONDENTS 2 TO 7.**
- EXT.P21: PHOTOGRAPH SHOWING THE RECONSTRUCTION DONE BY THE RESPONDENTS 2 TO 7.**
- EXT.P22: PHOTOGRAPH SHOWING THE RECONSTRUCTION DONE BY THE RESPONDENTS 2 TO 7.**
- EXT.P23: PHOTOGRAPH SHOWING THE RECONSTRUCTION DONE BY THE RESPONDENTS 2 TO 7.**

RESPONDENTS EXHIBITS:

- EXT.R4(a): COPY OF TITLE DEED NO. 3710/67 DATED 27.11.67 IN FAVOUR OF NANUKUTTAN PREDECESSOR OF RESPONDENTS 2 TO 7.**
- EXT.R4(b): NOTICE DATED 16.08.08 ISSUED BY THE 1ST RESPONDENT TO LATE NANUKUTTAN AS PER ORDER IN WPC 7043/08.**
- EXT.R4(c): LETTER DATED 19.08.2008 SUBMITTED BY NANUKUTTAN TO 1ST RESPONDENT REQUESTING FOR A COPY OF JUDGMENT IN WPC 7043/08.**
- EXT.R4(d): EXPLANATION TO EXT.R49b) NOTICE BY LATE NANUKUTTAN.**
- EXT.R4(e): COPY OF NOTICE ISSUED BY SURVEYOR OFFICE OF RESURVEY SUPERINTENDENT ALUVA.**
- EXT.R4(f): ORDER DATED 21.04.2009 BY THE SUPERINTENDENT RE-SURVEY ALUVA.**

TRUE COPY

P.A TO JUDGE

LSN

ANU SIVARAMAN, J.

W.P.(C). No.18921 of 2009

Dated this the 16th day of December, 2015

JUDGMENT

It is submitted by the learned counsel for the petitioner that the matter has been settled in the mediation and report has been filed by the Mediator recording the terms of settlement.

In the above circumstances, this writ petition is disposed of recording the settlement arrived in mediation which shall form part of this judgment.

**Sd/-ANU SIVARAMAN,
Judge**

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