

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 14760 of 2015 (T)

PETITIONER(S) :

**M.J.VARGHESE, AGED 53 YEARS,
S/O.JACOB, MALAMEL HOUSE, KENNADYMUKKU,
EDAPPALLY, KOCHI- 682 024.**

**BY ADVS.SRI.C.P.SAJI
SMT.P.DEEPA MOHAN**

RESPONDENT(S) :

**1. THRIKKAKARA MUNICIPALITY, KAKKANAD,
KOCHI- 682 030, REPRESENTED BY ITS REPRESENTED BY
ITS SECRETARY.**

**2. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANADU, KOCHI- 682 030.**

**3. RAJA SETHUNATH,
S/O.GOVINDA PANICKER, SAROJAM HOUSE, VAZHAKKALA,
KAKKANADU, KOCHI- 682 030.**

**4. P.SARAN KUMAR,
S/O.GOVINDA PANICKER, SAROJAM HOUSE, VAZHAKKALA,
KAKKANADU, KOCHI - 682 030.**

**R1 & R2 BY GOVERNMENT PLEADER SRI.SHYSON.P.MANGUZHA
R3 & R4 BY ADV. SRI.S.SHANAVAS KHAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 14760 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF SETTLEMENT DEED NO.1078 OF 2003
DATED 16.04.2013 OF THE SUB REGISTRY OFFICE, EDAPPALLY.**

**EXHIBIT P2: TRUE COPY OF PETITION DATED 24.03.2014 FILED BEFORE
THE 1ST AND 2ND RESPONDENTS BY PETITIONER.**

**EXHIBIT P3: TRUE COPY OF RECEIPT ISSUED BY THE 1ST RESPONDENT
DATED 24.03.2015 TO THE PETITIONER.**

**EXHIBIT P4: TRUE COPY OF POSTAL ACKNOWLEDGMENT CARD SHOWING
THE RECEIPT OF THE EXHIBIT P2 PETITION BY
THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 14760 of 2015

Dated this the 21st day of May, 2015

J U D G M E N T

The petitioner, who is a permanent resident of Thrikkakkara Municipality and who owns an extent of 39.530 cents of property, has approached this Court seeking positive direction against the respondent municipality for the restoration of the 'thodu', which, according to the petitioner, was in existence from time immemorial.

2. I have heard the learned counsel for the petitioner, the learned Government Pleader and the learned Standing Counsel for the respondent municipality.

3. When the matter came up for admission, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent municipality to consider and pass appropriate orders on

Ext.P2 petition within a time frame.

In the light of the submission, this writ petition is disposed of directing the respondent municipality to consider and pass appropriate orders on Ext.P2 petition after affording the petitioner and the affected parties, if any, an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the respondent municipality at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-