

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 14779 of 2015 (V)

PETITIONER(S):

1. **ANTONY CHEEKU,
MULAVUKADU P.O, NEAR VILLAGE OFFICE-682 504.**
2. **CHERIYAKADAVIL JAIN ANTONY,
MULAVUKADU P.O, NEAR VILLAGE OFFICE-682 504.**
3. **DOMESTIC D'SELVA,
KONJATTU HOUSE, MULAVUKADU P.O,
NEAR VILLAGE OFFICE-682 504.**
4. **GEORGE M,
MAROTTI PARAMBI HOUSE, MULAVUKADU P.O,
NEAR VILLAGE OFFICE- 682504.**
5. **ANTONY,
MAROTTI PARAMBIL HOUSE, MULAVUKADU P.O,
NEAR VILLAGE OFFICE- 682 504.**
6. **SOORYA,
NARAYANAN PUNATHIL HOUSE, MULAVUKADU P.O,
NEAR VILLAGE OFFICE-682 504.**
7. **SANNOMORERA,
KADEPARAMBIL HOUSE,
MULAVUKADU P.O, NEAR VILLAGE OFFICE-682 504.**
8. **AJITH MADHAVAN,
KOVILAKATHU HOUSE, MULAVUKADU P.O,
NEAR VILLAGE OFFICE-682 504.**
9. **ANDREWS PODUTHAS,
PADATHUPARAMBIL HOUSE, MULAVUKADU P.O,
NEAR VILLAGE OFFICE-682 504.**
10. **RAPHEL
PARAMBOLATH HOUSE, MULAVUKADU P.O,
NEAR VILLAGE OFFICE-682 504.**

PJ

.....2/-

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11. JOSEPH DISUZA,
VALIYAKATTATHU HOUSE, MULAVUKADU P.O,
NEAR VILLAGE OFFICE-682 504.

BY ADVS.SRI.M.P.SREEKRISHNAN
SMT.M.H.BINDU

RESPONDENT(S):

1. THE COMMISSIONER LAND REVENUE,
OFFICE OF THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM-695001.
2. DIRECTOR SURVEY,
SURVEY DEPARTMENT, VAZHUTHAKKADU,
THIRUVANANTHAPURAM-695 001.
3. THE DISTRICT COLLECTOR,
ERNAKULAM, CIVIL STATION, KAKKANADU-682030.
4. THE TAHSILDAR KANAYANNUR,
KANAYANNUR TALUK, ERNAKULAM-682011.
5. SWYANANDAN,
KOCHILATH HOUSE, MULAVUKADU P.O-682504.
6. SIMON,
MALIYEKKAL HOUSE, MULAVUKADU P.O-682504.
7. JUDSON,
CHULAKKAL PARAMBIL @ NADUVILAPARAMBIL,
MULAVUKADU P.O-682504.

R1-4 BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN
R5 BY ADV. SRI.T.K.AJITHKUMAR (VALATH)
R6-R7 BY ADV. SRI.T.K.SHAJAHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PJ

WP(C).No. 14779 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHBITI P1 A ROUGH SKETCH SHOWING THE LYE AND ENCROACHMENT MADE
BY THE AFORESAID PERSON ARE PRODUCED**

EXHBITI P2 A TRUE COPY OF THE REPRESENTATION DATED 3/12/2014

EXHBITI P3 A TRUE COPY OF THE COMMUNICATION DATED 24/1/2015

**EXHBITI P4 A TRUE COPY OF REMINDER TO THE 4TH RESPONDENT
DATED 12-2-2015**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 14779 of 2015

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Dated this the 15th day of September, 2015

J U D G M E N T

The petitioners approached the respondents 1 to 3 praying for determination of boundary of the property belonging to the persons who have encroached upon the public road and boundary of the public road. This has been forwarded to the 4th respondent for taking action. Ext.P3 is the communication.

2. Party respondent before this Court submits that there is no encroachment of any public road.

3. This Court is of the view that the 4th respondent shall conduct an enquiry after hearing all parties concerned and also make surveying of the property. This shall be done within three months from the date of receipt of the copy of this order and take appropriate decision. If there is an encroachment he shall ensure that all encroachment shall be removed immediately in accordance with the proceedings contemplated under the land Conservancy Act

and Rules. The petitioner shall produce copy of the judgment before the 4th respondent.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE