

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

W.P.(C).No.15906 of 2015 (K)

PETITIONER(S):-

K.VIJAYAN, AGED 65 YEARS, S/O.KOLAPPAN CHETTIAR,
RESIDING AT T.C 23/409(1),
VALIYASALA, THYCAUD VILLAGE,
THIRUVANANTHAPURAM, PIN-695 014.

BY ADVS.SRI.V.PHILIP MATHEW
SRI.GIBI.C.GEORGE
SRI.JEPH JOSEPH
SRI.E.RADHAKRISHNAN.

RESPONDENT(S):-

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1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.PIN-695 001.
 2. DISTRICT COLLECTOR,
THIRUVANANTHAPURAM, PIN-695 004.
 3. REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE,
THIRUVANANTHAPURAM.PIN-695 043.
 4. TAHSILDAR,
THIRUVANANTHAPURAM TALUK OFFICE,
THIRUVANANTHAPURAM. PIN-695 023.
 5. ADDITIONAL TAHSILDAR,
THIRUVANANTHAPURAM TALUK OFFICE,
THIRUVANANTHAPURAM. PIN-695 023.

6. VILLAGE OFFICER,
THYCAUD VILLAGE, THIRUVANANTHAPURAM, PIN-695 014.

7. THE SUPERINTENDENT OF RE-SURVEY,
OFFICE OF THE SUPERINTENDENT OF RE-SURVEY,
THIRUVANANTHAPURAM. PIN-695 011.

R1 TO R7 BY SENIOR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1- COPY OF SALE DEED NO.2626/94.
- EXT.P2- COPY OF SALE DEED NO.2633/94.
- EXT.P3- COPY OF SALE DEED NO.2596/94.
- EXT.P4- COPY OF SALE DEED NO.429 DATED 08.02.1967 OF CHALAI SRO.
- EXT.P5- COPY OF ENCUMBRANCE CERTIFICATE NO.1502 OF 1994 DATED 31.05.1994 ISSUED BY CHALAI SRO.
- EXT.P6- COPY OF TAX RECEIPT ISSUED BY THE CHENGAZHASSERY VILLAGE IN THE NAME OF SMT.SELVAKUMARI FOR THE PERIOD 1983-85.
- EXT.P7- COPY OF TAX RECEIPT DATED 12.08.1994.
- EXT.P8- COPY OF TAX RECEIPT DATED 21.03.2000.
- EXT.P9- COPY OF THE TAX RECEIPT DATED 27.04.2007.
- EXT.P10- POSSESSION CERTIFICATE NO.1128/01 DATED 17.08.2001 ISSUED BY THE 6TH RESPONDENT.
- EXT.P11- CERTIFICATE NO.1266/2007 DATED 11.06.2007 ISSUED BY THE 6TH RESPONDENT.
- EXT.P12- COPY OF BUILDING PERMIT NO.BA/1829/2000 DATED 26.07.2000.
- EXT.P13- COPY OF NOTICE NO. K3-54740/2003 DATED 20.04.2005 ISSUED BY THE LAND ACQUISITION OFFICER, THIRUVANANTHAPURAM.
- EXT.P14- COPY OF COMMUNICATION DATED 08.05.2014 ISSUED BY THE SPECIAL TAHSILDAR TO THE PRINCIPAL SUB JUDGE, THIRUVANANTHAPURAM SHOWING THE DEPOSIT OF THE ENHANCED DECREED AMOUNT.
- EXT.P15- COPY OF TAX RECEIPT DATED 20.05.2010.

- EXT.P16- COPY OF REPRESENTATION DATED 25.05.2010 SUBMITTED BY THE PETITIONER BEFORE THE 5TH RESPONDENT.
- EXT.P17- COPY OF THE TAX RECEIPT DATED 05.10.2012.
- EXT.P18- COPY OF THE TAX RECEIPT DATED 19.04.2014.
- EXT.P19- COPY OF NOTICE NO.D8285/2015 DATED 08.05.2015.
- EXT.P20- COPY OF REPRESENTATION DATED 20.05.2015.
- EXT.P21- COPY OF THE ACKNOWLEDGMENT CARD EVIDENCING RECEIPT OF THE REPRESENTATION BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

P.S. To Judge

K. Vinod Chandran, J

W.P.(C).No.15906 of 2015-K

Dated this the 05th day of June, 2015

JUDGMENT

The petitioner is aggrieved with the proceedings initiated, at Exhibit P19, for eviction of the alleged encroachment made by the petitioner. The compelling argument made by the petitioner is that he owns property which is covered by Exhibits P1 to P3 sale deeds in the vicinity and he is not put to notice as to the extent and identity of the property from which he is sought to be evicted. A reading of Exhibit P19 also would indicate that the only notice is for eviction from the “encroached land”.

2. In the above circumstances, the petitioner or his representative shall appear before the Revenue Divisional Officer on 09.06.2015 and produce the available materials before the RDO. The RDO shall consider the same and issue an order specifying the extent and identity of the property from which the petitioner is sought to be evicted. Such order shall be issued in

writing and sufficient opportunity granted to the petitioner to vacate from the property and if not done, within a period of seven days the petitioner shall also be liable for such eviction, if any ordered.

The writ petition is disposed of as above.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]