

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

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

WP(C).No. 15944 of 2015 (P)

PETITIONER:

**S.R.JOHN, S/O RAPHAEL, AGED 62 YEARS,
CONVENOR, GRAM SHAKTHI JANAKEYYA SAMITHI,
SUNDARAMTHARA, MARADU-682304.**

BY ADV. SRI.SHERRY J. THOMAS

RESPONDENT(S):

- 1. MARADU MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
MARADU-682304.**
- 2. DISTRICT COLLECTOR, CIVIL STATION,
COLLECTORATE, ERNAKULAM-682030.**
- 3. REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICE,
FORT KOCHI, ERNAKULAM-682001.**
- 4. TAHASILDAR, KANAYANUR TALUK OFFICE,
ERNAKULAM-682011.**
- 5. SURVEY SUPERINTENDENT,
KANAYANNUR THALUK OFFICE,
ERNAKULAM-682011.**
- 6. VILLAGE OFFICER,
VILLAGE OFFICE, MARADU-682304.**

**R1 BY ADV. SRI.T.R.RAJAN SC
R2 TO R6 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA**

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

mbr/

WP(C).No. 15944 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1: THE TRUE COPY OF THE JUDGMENT IN O.P.NO.14426/2002.

EXHIBIT P2: THE TRUE COPY OF THE JUDGMENT IN WPC NO.18436/2009.

EXHIBIT P3: THE TRUE COPY OF THE JUDGMENT IN WPC NO.17501 /2012.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.15944 of 2015

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Dated this the 5th day of June, 2015

JUDGMENT

The petitioner is a local resident in Maradu. The petitioner alleges that "Ayini Thodu" is the main canal which connects and carries water from the eastern area of Maradu municipality to the western river and ultimately to the Arabian sea. When the water flow of the thodu got obstructed by illegal encroachments, the local people formed an association called "Grama Shakthi Janakeeya Samithi" and the petitioner is the present convener of the said organisation.

2. Earlier, the organisation had filed O.P No.14426 of 2002 before this Court against the encroachment on the banks of the canal and this Court by Ext.P1 disposed of the same directing the respondents to take appropriate action for removal of the encroachments within a period of six months. Again this Court in W.P(C) No.18346 of 2009 was pleaded to observe that the encroachments shall necessarily be evicted. It was directed to take action to evict the encroachments on the basis of the sketch drawn

up by the survey officials. This Court also directed to complete the entire process within four months by Ext.P2.

3. However, some persons who received notice for eviction challenged the same by filing W.P(C) No.17501 of 2012 before this Court seeking an order to quash the eviction proceedings of the first respondent as the notice does not specify the boundaries of the encroached area. The first respondent municipality undertook to issue fresh notice on the basis of fresh survey measurement. This Court disposed of the writ petition on the basis of the submission made by the first respondent that fresh proceedings would be issued on the basis of the survey measurement by Ext.P3.

4. Accordingly, the first respondent forwarded the papers to respondents 3, 4 and 5 to complete the survey as directed by this Court. Now, the responsibility is with the revenue and survey officials to complete the measurement and to prepare a sketch in compliance of the procedure of law and to hand over the same to the first respondent for clearing off the encroachments; it is alleged. However, the respondents are not taking any action on the same. It is with this background, the petitioner has approached this Court.

5. I have heard the learned counsel for the petitioner and the learned Government Pleader.

6. The learned Government Pleader on instructions submitted that 40% of the survey as ordered by this Court has been completed and the joint survey is ordered to be held on 11.6.2015. It was also submitted that the entire process would be over within one month.

Recording the said submission, the writ petition is disposed of directing the respondents 2, 4 and 5 to complete the survey within one month from the date of receipt of a copy of this judgment and thereafter on completion of the survey, the State's representative shall forward report to the first respondent which shall act upon on the basis of the report so submitted.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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