

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 20193 of 2012 (Y)

PETITIONER(S):

***PUTHIYAVEETIL DAMODARAN,
S/O.LATE D.CHANDU, 'ANJANEYA', EZHILODE POST,
KANNUR - 670 309. (CORRECTED)**

***(THE INITIAL OF THE PETITIONER'S FATHER IS CORRECTED AS 'C.'
INSTEAD OF 'D' AS PER ORDER DATED 10/09/2012 IN IA. NO.11804/2012)**

BY ADV. SRI.KALEESWARAM RAJ.

RESPONDENT(S):

**1. CHERUTHAZHAM GRAMA PANCHAYATH,
REPRESENTED BY THE SECRETARY,
CHERUTHAZHAM GRAMA PANCHAYATH, PILATHARA P.O.,
VIA MANDOOR, KANNUR - 670 501.**

**2. SECRETARY, CHERUTHAZHAM GRAMA PANCHAYATH,
PILATHARA P.O., VIA MANDOOR, KANNUR - 670 501.**

**3. P.V. SHYLAJA, MEMBER WARD NO.1,
CHERUTHAZHAM GRAMA PANCHAYATH,
PILATHARA P.O., VIA MANDOOR, KANNUR - 670 501.**

****4. P.V.SAVITHRI, W/O.ITTAMMAL DAMODARAN,
ITTAMMAL HOUSE, CHERUTHAZHAM AMSOM AND DESOM,
KANNUR DISTRICT -670 501. (CORRECTED)**

**** (THE INITIAL OF R4 IS CORRECTED AS "K.V." INSTEAD OF "P.V."
AND THE WORDS "KOROTH VALAPPIL" IS ADDED AFTER THE
NAME OF THE 4TH RESPONDENT AS PER ORDER DATED 10/09/2012
IN IA. NO.11804/2012)**

**5. ITTAMMAL DAMODARAN, ITTAMMAL HOUSE,
CHERUTHAZHAM AMSOM AND DESOM, KANNUR - 670 501.**

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**6. USHA, W/O.LATE C.CHATHU, 'SUJAYA',
CHERUTHAZHAM AMSOM AND DESOM, KANNUR - 670 501.**

**7. SANTHA, W/O.ANNOOKKARAN KUNHIRAMN,
CHERUTHAZHAM AMSOM AND DESOM, KANNUR - 670 501.**

**R1 & R2 BY ADV. SRI.I.V.PRAMOD
R4 & R5 BY ADVS. SRI.SUNIL NAIR PALAKKAT,
SRI.K.N.ABHILASH.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE ASSIGNMENT DEED DATED 16/02/1979.
- EXT.P2 COPY OF THE TAX RECEIPT DATED 18/08/2012.
- EXT.P3 COPY OF THE PLAN OF THE LAND NOW OWNED AND POSSESSED BY THE PETITIONER HAVING AN EXTENT OF 85.2 CENTS.
- EXT.P4 COPY OF THE JUDGMENT DATED 25/05/2009 IN OS. NO.87/2005.
- EXT.P5 COPY OF THE DECREE DATED 25/05/2009 IN O.S NO.87/2005.
- EXT.P6 COPY OF THE DECREE DATED 25/05/2009 IN O.S. NO.87/2005.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J

WPC No.20193 of 2012

Dated this the 10th day of June, 2015

JUDGMENT

The petitioner has come up before this Court alleging that the respondent Panchayat is intending to encroach upon the petitioner's property.

2. The petitioner is the holder of a decree and judgment in a civil suit with respect to his 85.2 cents of land in R.S.No.42/2B1 of Cheruthazham Village in Kannur Taluk. Exts.P4 and P5 are the decree and judgment respectively. The civil suit filed by the 4th respondent was not prosecuted and the same was therefore dismissed for default.

3. After the decree, respondent No.4 with the help of respondent Nos.5, 6 and 7 influenced the Panchayat and the Grama Sabha headed by the third respondent for forming any new road/pathway by taking a portion of the petitioner's property. Thus, a new way has been invented to overreach the judgment passed by the competent civil

court. The Panchayat cannot forcefully take a land belonging to a citizen, even for public purpose; it is alleged. It is with this background, the petitioner has come up before this Court.

The learned counsel for the respondent Panchayat on instructions submitted that the respondent Panchayat has no intention either to acquire the property or to encroach upon the property of the petitioner illegally. Recording the said submission, this writ petition is closed.

**sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

css/

true copy

P.S.TO JUDGE