

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 16631 of 2015 (D)

PETITIONER(S) :

**SANTHOSH M.PAUL,
S/O.PAULOSE, CHALAKKAL MUNDAN MORAKKALA,
NOW RESIDING AT UNITED KINGDOM,
REPRESENTED BY POWER OF ATTORNEY HOLDER
A.U.KURIACHAN, S/O.ULAHANNAN, AGED 59 YEARS,
APPATTHUKUZHIL, EZHAKKARANADU, ERNAKULAM, PIN- 682 308.**

BY ADV. SRI.PAUL K.VARGHESE

RESPONDENT(S) :

- 1. KUNNATHUNADU GRAMA PANCHAYATHU,
KUMARAPURAM PALLIKKARA, ERNAKULAM DISTRICT,
REPRESENTED BY ITS SECRETARY, PIN- 683 565.**
- 2. THE SECRETARY,
KUNNATHUNADU GRAMA PANCHAYATH, KUNNATHUNADU,
ERNAKULAM, KUMARAPURAM, ALUVA,PIN- 683 565.**
- 3. PAULOSE,
S/O.PAILY PAPPACHAN, MOONUPADIKAL, MORAKKALA,
PALLIKKARA, ERNAKULAM, PIN- 683 565.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 16631 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER
 BEFORE THE 2ND RESPONDENT DATED 11/05/2015.**

**EXT.P2: A TRUE COPY OF THE RECEIPT ISSUED BY THE PANCHAYATH
 DATED 11/05/2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 16631 of 2015

Dated this the 4th day of June, 2015.

JUDGMENT

Aggrieved by the inaction on the part of the second respondent to consider Ext.P1, the petitioner has come up before this Court.

2. The petitioner is a permanent resident of India. Since 2010 onwards, the petitioner and his family has been living in England in connection with their employment. The petitioner alleges that making use of the absence of the petitioner during the month of April and May 2015, the third respondent illegally put up a well in the boundary of his property encroaching into the petitioner's property without providing any distance and therefore the petitioner's compound wall, residential house etc. are put in a dangerous position. In fact, no permission has been obtained from the panchayath to put up the well. Hence the petitioner submitted Ext.P1 complaint before the second respondent, but it evoked no response.

3. The learned counsel for the petitioner confined his

argument to the limited prayer for a direction to the second respondent to consider and pass appropriate orders on Ext.P1 complaint within a time frame.

4. Considering the nature of the submissions and the nature of the relief sought for, this Court is of the view that the writ petition can be disposed of even without issuing notice to the respondents.

Therefore, the writ petition is disposed of directing the second respondent to consider and pass appropriate orders on Ext.P1 complaint, after affording the petitioner 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, it shall be open to the petitioner to produce a copy of the writ petition, a copy of this judgment as well as a copy of Ext.P1 complaint before the second respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.