

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 16979 of 2015 (V)

PETITIONER : -

PREMAN, AGED 57 YEARS,
S/O. ITTERI, KANNAMPARAMBIL,
PULLIPARAMBIL P.O.,
CHELAMBRA AMSOM, PULLIPARAMBIL DESOM,
THIRURANGADI TALUK.

BY ADV.SRI.VARGHESE C.KURIAKOSE

RESPONDENTS : -

1. STATE OF KERALA,
REPRESENTED BY SECRETARY, DEPT. OF REVENUE,
SECRETARIAT, TRIVANDRUM 695 001.
2. THE DISTRICT COLLECTOR.
MALAPPURAM DISTRICT,
CIVIL STATION, MALAPPURAM 676 505.
3. THE TAHSILDAR,
KONDOTTY TALUK, KONDOTTY 673 638.
4. THE VILLAGE OFFICER,
CHELAMBRA VILLAGE, CHELAMBRA 676 505.
5. THE SECRETARY,
CHELAMBRA GRAMA PANCHAYAT, CHELAMBRA 676 505.
6. SMT RUKHIYAERANJIKKAL, AGED 48 YEARS.
W/O. KARUTHEDATH SAIDALAVI, KALLUVALAPPIL HOUSE.
PULLIPARAMBU P.O, CHELAMBRA VILLAGE, KONDOTTY TALUK.
MALAPPURAM 676 505.

BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S' EXHIBITS : -

- EXT.P1 : TRUE COPY OF THE JUDGMENT IN O.S NO 278/2010 ON THE FILES OF MUNSIFF'S COURT, PARAPPANANGADI.
- EXT.P2 : TRUE PHOTOSTAT COPY OF REPRESENTATION DATED 24-04-2014 TO THE 5TH RESPONDENT.
- EXT.P3 : TRUE PHOTOSTAT COPY OF THE ADDITIONAL REPRESENTATION DATED 21-05-2015 TO THE 5TH RESPONDENT.
- EXT.P4 : TRUE PHOTOSTAT COPY OF THE ACKNOWLEDGMENT CARD SIGNED BY THE 2ND RESPONDENT.
- EXT.P5 : TRUE PHOTOSTAT COPY OF THE ACKNOWLEDGMENT CARD SIGNED BY THE 5TH RESPONDENT.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

A.V. RAMAKRISHNA PILLAI,J.

W.P.(c) No. 16979 of 2015

Dated this the 08th day of June, 2015

JUDGMENT

Alleging inaction on the part of the respondent in taking action against the alleged encroachment upon a pathway, the petitioner has come up before this Court.

2. The petitioner is resident of House No. 17 of Chelambra Grama Panchayat, the 5th respondent. He alleges that the sixth respondent herein has by encroaching into a pathway vested with the 5th respondent completed construction of a shop room, which has been taken note off in the Exhibit P1 judgment. The Panchayat way is comprised in Sy. No. 112/1 of Chelambra Village and the construction is in the said survey number, which is admitted by the sixth respondent and the same is recorded in Exhibit P1. The petitioner has submitted Exhibit P2 representation before the

fifth respondent about an year ago. Finding inordinate delay in the consideration of the said application, Exhibit P3 has been submitted, inter alia, to respondents 2 to 5, which has also been received by the respondents. So far no action has been taken on the encroachment.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. When the matter came up for hearing, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the fifth respondent to consider Exhibits P2 and P3.

5. Considering the nature of submission, this Court is of the view that this petition can be disposed of even without issuing notice to the respondents.

Therefore, this writ petition is disposed of directing the fifth respondent to consider and pass orders on Exhibits P2 and P3 after affording the petitioner and affected parties 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, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy

of this writ petition before the fifth respondent at the earliest.

**A.V. RAMAKRISHNA PILLAI
JUDGE**

DMR/-