

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 17424 of 2015 (C)

PETITIONER:

**SUNANDA RAVEENDRAN, AGED 43,
W/O.RAVEENDRAN, KAITHAVALAPIL HOUSE,
PULAKATUKARA, P.O.CHITTISSERY,
THRISSUR - 680 301.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVT.,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE NENMANIKARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
P.O.CHITTISSERY, THRISSUR - 680 301.**

**R1 BY SENIOR GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN
R2 BY SRI.C.HARIKUMAR, SC
BY ADVS. SMT.C.B.ANUROOPA
SRI.ALOK RAJ
SRI.RENJITH RAJAPPAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17-09-2015 ALONG WITH WPC. 17425/2015 & CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P-1: A TRUE COPY OF THE DOCUMENT OF TITLE IN THE NAME OF THE PETITIONER BEARING NO.1120 OF 2011 DATED 18.3.2011 OF THE NELLAYI S R O.
- EXT.P-2: A TRUE COPY OF THE TAX RECEIPT IN THE NAME OF THE PREDECESSOR OF THE PETITIONER ISSUED DATED 5.8.2010.
- EXT.P-3: A TRUE COPY OF THE RECEIPT ISSUED TO THE PETITIONER DATED 29.9.2014 BY THE SECOND RESPONDENT.
- EXT.P-4: A TRUE COPY OF THE NOTICE ISSUED BY THE SECOND RESPONDENT DATED 27.5.2015.

RESPONDENT(S)' EXHIBITS:

- EXT.R2(A) : A TRUE COPY OF THE DECISION TAKEN IN THE PANCHAYATH MEETING HELD ON 13.6.2013.
- EXT.R2(B) : A TRUE COPY OF THE ORDER DATED 9.3.2015 ISSUED BY THE DISTRICT SURVEY SUPERINTENDANT.
- EXT.R2(C) : A TRUE COPY OF THE SKETCH PREPARED BY THE DISTRICT SURVEY SUPERINTENDENT DATED 17.4.2015.
- EXT.R2(D) : A TRUE COPY OF THE LAWYER'S NOTICE DATED 18.6.2015 ISSUED TO THE 2ND RESPONDENT.
- EXT.R2(E) : A TRUE COPY OF THE ORDER PASSED BY THE DISTRICT SURVEY SUPERINTENDENT DATED 26.6.2015.

//TRUE COPY//

P.S. TO JUDGE

mbr/

V. CHITAMBARESH, J

**W.P.(C). Nos. 17424, 17425, 17427 &
17484 of 2015**

Dated this the 17th day of September, 2015

JUDGMENT

The impugned notices only direct the petitioners to show cause as to why they shall not be dispossessed from the property. There is a dispute as to whether the petitioners are encroachers and the land trespassed upon is a Panchayat Puramboke or not. The petitioners rest their claim on the basis of registered sale deeds in their favour. The Panchayat on the other hand maintains that the portion trespassed upon is not taken in by the sale deeds in favour of the petitioners.

2. I direct the petitioners to file a detailed objection to the show cause notices within a period of two weeks. Any such objection filed within the time stipulated shall be dealt

with by the Panchayat within a period of one month therefrom. The question of lack of jurisdiction if any raised by the petitioners shall also addressed by the Panchayat. The petitioners shall not be dispossessed from the property till final orders are passed on the objection to the show cause notices issued.

The writ petitions are disposed of.

**V. CHITAMBARESH
JUDGE**

DCS