

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 21114 of 2008 (L)

PETITIONER(S):

**SUJATHA,
W/O. LATE VISWANATHAN, AGED 58, YEARS,
KUNNIL PUTHEN VEEDU, KARIMANAL, KULATHOOR
P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.J.JAYAKUMAR

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. TALUK TAHSILDAR,
TALUK OFFICE, THIRUVANANTHAPURAM.**
- 3. THE VILLAGE OFFICER, ATTIPRA VILLAGE,
THIRUVANANTHAPURAM.**
- 4. THE ADDITIONAL TAHSILDAR, TALUK
OFFICER, THIRUVANANTHAPURAM.**

R BY GOVERNMENT PLEADER SRI.S.JAMAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD

WP(C).No. 21114 of 2008 (L)

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1: TRUE COPY OF THE LAND TAX RECEIPT DATED 22/12/1994.

EXHIBIT P2: TRUE COPY OF JUDGMENT DATED 31/10/1988 IN O.S. NO.115/1985 OF
2ND ADDL.MUNSIFF COURT, TRIVANDRUM.

EXHIBIT P3: THE TRUE COPY OF LAND TAX RECEIPT DATED 15/4/2004

EXHIBIT P4: TRUE COPY OF THE NOTICE DATED 7/11/2000 ISSUED BY THE 4TH
RESPONDENT.

EXHIBIT P5: PHOTOGRAPHS SHOWING THE IMPLANTATION OF THE SURVEY
STONES.

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD

K.VINOD CHANDRAN, J.

W.P(C) No.21114 of 2008

Dated this the 27th day of July, 2015

JUDGMENT

The petitioner was aggrieved with Ext.P4 notice of eviction. Ext.P4 does not indicate as to the enactment under which such eviction is directed. This Court while admitting the writ petition had also granted an interim order of stay. Taking over of 2.33 cents of property made from the very same survey no.306/A of Attipra village was resisted by the petitioner in a suit which was decreed, however reserving the right of the State to make further investigation of the encroachment alleged. No such enquiry initiated is disclosed and no proceedings initiated in accordance with law, is revealed. In such circumstances, Ext.P4 notice would stand set aside reserving the right of the State, to proceed in accordance with law.

The writ petition is allowed with the above liberty.

No costs.

Sd/-
K.VINOD CHANDRAN
JUDGE

AD