

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C).No. 17671 of 2015 (H)

PETITIONER(S):

1. POONCHOLA LAKSHMI,
W/O.POONCHOLA SASIDHARAN, AGED 55 YEARS,
POONCHOLA HOUSE, ARTS COLLEGE POST,
KOZHIKODE -673 018.
2. SANDEEP,
S/O.POONCHOLA SASIDHARAN,AGED 55 YEARS,
POONCHOLA HOUSE,ARTS COLLEGE POST,
KOZHIKODE -673 018.

BY ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE

RESPONDENT(S):

1. THE VILLAGE OFFICER,
NEDIYIRUPPU VILLAGE, KONDOTTY VILLAGE,
KUNDOTTY P.O., MALAPPURAM DISTRICT, PIN- 673 638.
2. THE TALUK SURVEYOR, TALUK OFFICE,
KONDOTTY, MALAPPURAM -673 638
3. THE SUB DIVISIONAL MAGISTRATE,
TIRUR, PIN -676 101.
4. K.C SHEEBA, CHAIRPERSON,
JANAKEEYA SAMITHI, N.H.COLONY, MUCHIKUNDU,
POST ARIMBRA (VIA) KONDOTTY, MALAPPURAM -673 638
5. E.KUTTTAN CONVENOR, JANAKEEYA SAMITHI,
N.H.COLONY, MUCHIKUNDU, POST ARIMBRA, (VIA) KONDOTTY,
MALAPPURAM -673 638

R1 TO R3 BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN
R4 & R5 BY ADV. SRI.K.RAKESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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WP(C).No. 17671 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COY OF THE PLAINT DATED 7.11.2014 IN OS NO.561 OF 2014 ON THE FILE OF THE MUNSIFF'S COURT, MANJERI
- P2- TRUE COPY OF THE IA NO.3044 OF 2014 IN OS NO.561 OF 2014 ON THE FILE OF THE MUNSIFF'S COURT, MANJERI DATED 7.11.2014
- P3- TRUE COPY OF THE COMMISSION REPORT IN IA NO.3045 OF 2014 IN OS NO.561 OF 2014 ON THE FILE OF THE MUNSIFF'S COURT, MANJERI, DATED 12.11.2014
- P4- TRUE COPY OF THE INJUNCTION ORDER IN IA NO.3044 OF 2014 IN OS NO.561 OF 2014 ON THE FILE OF THE MUNSIFF'S COURT, MANJERI, DATED 12.11.2014
- P5- TRUE COPY OF THE PETITION DATED NIL, SUBMITTED BY THE JANAKEEYA SAMITHI BEFORE THE DISTRICT COLLECTOR, MALAPPURAM
- P6- TRUE COPY OF THE PROCEEDINGS DTED 20.1.2015 IN C.M.P 3/2015 ON THE FILE OF THE SUB DIVISIONAL MAGISTRATE, TIRUR
- P7- TRUE COPY OF HTE INTERIM ORDERS DATED 9.2.2015 AND 1.4.2015
- P8- TRUE COPY OF THE INTERIM ORDER DATED 29.5.2015
- P9- TRUE COPY OF THE LETTER DATED 4.5.2015 RECEIVED BY PETITIONER NO.1 ON 3.6.2015
- P10- TRUE COPY OF THE REPLY DATED 4.6.2015
- P11- TRUE COPY OF THE NOTICE DTED 1.6.2015
- P12- TRUE COPY OF TRUE COPY OF THE REPLY DATED 9.6.2015

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 17671 of 2015

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Dated this the 20th day of November, 2015

J U D G M E N T

The writ petition is filed challenging a notice issued by the Village Officer produced as Ext.P11.

2. The Village Officer issued above notice on a series of complaint registered by the local people residing nearby N.H Colony. They complained that the obstruction has been made in the public convenience of the colony by the writ petitioner. The District Collector, Malappuram directed the Deputy Collector, LA Airport to conduct a site inspection and submit a report after a detailed enquiry. As part of the enquiry the petitioner has been served with Ext.P1 notice.

3. It is to be noted that the Village Officer is acting on behalf of the higher authorities to determine the land assigned to inhabitation of the Colony. It appears that obstruction has been caused in public path way and drinking water sources.

4. This Court is of the view that the petitioner shall

co-operate with enquiry conducted by the Village Officer. The petitioner is also free to raise all objection before the Village Officer. The Village Officer shall place objection of the petitioner before the Deputy Collector. Thereafter the Deputy Collector shall take a decision after hearing the petitioner as well as the party respondent. It is made clear that any action can be initiated against the petitioner only after taking a final decision in the matter by the Deputy Collector. The petitioner submits that there is a civil suit pending in this matter. Necessarily, the Deputy Collector shall also advert to any order passed by the civil court. Needful shall be done within two months from the date of receipt of the copy of this judgment.

The writ petition is disposed of.

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A.MUHAMED MUSTAQUE, JUDGE