

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 17718 of 2015 (L)

PETITIONER(S):

**ILLIYAS, AGED 34 YEARS,
S/O. SULAIMAN, PADINJAREKKALAM, KARENKAD,
VADAKKENCHERRY, PALAKKAD 678 683.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
CIVIL STATION, PALAKKAD 678 001.**
- 2. ASSISTANT EXECUTIVE ENGINEER,
P.W.D ROADS, SUB DIVISION, ALATHUR
PALAKKAD 678 541.**
- 3. THE TAHSILDAR,
TALUK OFFICE, ALATHUR, PALAKKAD 678 541.**
- 4. THE VILLAGE OFFICER,
VADAKKENCHERRY-II VILLAGE,
VADAKKENCHERRY, ALATHUR,
PALAKKAD 678 545.**

*** ADDL.R5 IMPEADED**

- 5. V.S.SHANAVAS, AGED 39 YEARS,
S/O.LATE V.S.SULAIMAN, SHAH MANZIL, AMAKULAM,
VADAKKENCHERRY P.O., PALAKKAD DISTRICT-678683.**

ADDL.R5 IMPEADED AS PER ORDER DATED 17/9/2015 IN IA.12905/2015

**R1-4 BY GOVERNMENT PLEADER SRI.GIKKU JACOB
R5 BY ADV. SRI.P.A.MOHAMMED SHAH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

WP(C).No. 17718 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 TRUE COPY OF THE NEWS PAPER REPORT PUBLISHED IN
MATHRUBHUMI DAILY DATED 11-06-2015**

**EXHIBIT P2 TRUE COPY OF THE NOTICE NO KL-6/2015-16 ISSUED BY THE 3RD
RESPONDENT**

RESPONDENT(S)' EXHIBITS

EXHIBIT R5(A) THE TRUE COPY OF THE JUDGMENT IN WPC.25693/14 DATED 4/12/14

**EXHIBIT R5(B) THE TRUE COPY OF THE COMPLAINT FILED BY THIS RESPONDENT
BEFORE THE DISTRICT COLLECTOR**

EXHIBIT R5(C) THE TRUE COPY OF THE COMMUNICATION ATED 29/4/15

**EXHIBIT R5(D) THE TRUE COPY OF THE NEWSPAPER REPORT PUBLISHED IN
MALAYALA MANORAMA DAILY DATED 11/6/15.**

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.17718 of 2015

Dated this the 7th day of September, 2015

JUDGMENT

The petitioner is representing INTUC Unit of Mangalam Palam, Vadakkencherry has approached this Court challenging Ext.P2 issued by the Tahsildar to the President of the INTUC Unit. The petitioner's case is that no notice has been served on him or to any office bearer of the INTUC Unit under the Kerala Land Conservancy Act and therefore, proceedings to evict the office of the Unit referred in Ext.P2 notice is illegal.

2. In this matter, a counter affidavit has been filed by the third respondent. In the counter affidavit, it is stated as follows:

“Since the INTUC Unit Office is not vacated by them, the Revenue Officials reached the disputed site on 10.6.2015 to evict the above INTUC Office. Then some people argued that they have not received “C” form and opposed the eviction process. At the same time Additional Tahsildar issued a notice to the petitioner stating that the said office building is proposed to be evicted by the authorities at the same day. But he wants more time to vacate the above

INTUC Office and given time upto 5 p.m. on 14.6.2015.”

This Court is of the view, in the light of the above counter affidavit, the petitioner cannot question the proceedings initiated under the Kerala Land Conservancy Act. Therefore, there is no merit in the writ petition and accordingly, it is dismissed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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