

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG. CHIEF JUSTICE MR. ASHOK BHUSHAN
&
THE HONOURABLE MR. JUSTICE A.M. SHAFFIQUE

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 25116 of 2007 (S)

PETITIONER(S):

JACOB.T.T., AGED 60 YEARS,
S/O.LATE THOMAS T.G., C.P.13/314, JANET
P.O.MUTTATHODI, VIDYA NAGAR
KASARAGOD DISTRICT 671 123.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY TO GOVERNMENT OF KERALA
TRIVANDRUM.
2. DIRECTOR OF SURVEYS, TRIVANDRUM.
3. THE DISTRICT COLLECTOR,
KASARAGOD.
4. KASARAGOD MUNICIPALITY REPRESENTED BY
ITS SECRETARY, KASARAGOD.

ADDL.5. SASIDHARAN .P,
SREEKRISHNA COLONY,
VIDYA NAGAR P.O., PIN - 671 123.
KASARAGOD DISTRICT.

(ADDL. 5TH RESPONDENT IMPEALED AS PER ORDER DATED 26.10.2007 IN I.A. 14179/07)

R,ADDL.R5 BY ADV. SRI.S.VINOD BHAT
R1-R3 BY SR. GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. - PHOTOSTAT COPY OF THE NEWSPAPER REPORT WHICH CAME IN 'UTHARADESAM' DAILY DATED 10.8.2007.
- EXT.P2 - PHOTOSTAT COPY OF THE NEWS ITEM WHICH CAME IN MATHRUBHUMI DATED 10.8.2007.
- EXT.P3 - PHOTOSTAT COPY OF NOTICE ISSUED BY ADDL. TALUK SURVEYOR KASARAGOD DATED 26.9.2007.
- EXT.P4 - PHOTOSTAT COPY OF REPLY GIVEN BY PETITIONER DATED 3.10.2007.
- EXT.P7 - PHOTOSTAT COPY OF THE NEWSPAPER REPORT IN MALAYALA MANORAMA DAILY DATED 10.8.2007.
- EXT.P8 - TRUE COPY OF THE REPRESENTATION BEFORE THE DISTRICT COLLECTOR, KASARAGOD.

RESPONDENT(S)' EXHIBITS

NIL.

// TRUE COPY //

P.A. TO JUDGE

sou.

ASHOK BHUSHAN, Ag.CJ & A.M.SHAFFIQUE, J.

W.P.(C). No. 25116 of 2007

Dated this the 6th day of January, 2015

J U D G M E N T

Shaffique, J

This writ petition is filed in the form of a public interest litigation seeking a direction to conduct re-survey of property situated in Kasaragod village, Kudlu, Madhur and Muttathodi Village in Kasaragod District. The contention urged by the petitioner is that there are several encroachments into the Government Puramboke land and unless the proper survey is made, the encroachers cannot be identified. The Government is armed under the provisions of the Kerala Land Conservancy Act and the delay on the part of the authorities in taking proceedings under the Land Conservancy Act has resulted in the petitioner approaching this Court.

2. Counter affidavit has been filed by the third respondent inter alia stating that it is not possible to conduct re-survey in three or four villages alone. The Government decided that

resurvey is to be conducted in the entire District and Government has already started re-survey work in other Districts and Re-survey in Kasaragod is in progress. Action under Kerala Land Conservancy Act has been initiated in cases where encroachment had come to the notice of the authorities during inspection or on complaint from the public. In a State wide programme of eviction of encroachment on Government land in 2007, total 551 cases has been identified and cases booked and about 82 acres of land has been taken possession by the Government. It is therefore submitted that appropriate measures are being taken in the matter.

3. Additional fifth respondent has filed an impleading petition as I.A. No.14179 of 2007, in which it is inter alia stated that he has submitted an application for conducting survey of the property which the writ petitioner claims to be the owner. It is stated that the said property is a pathway for the ingress and egress of the additional respondent. He alleges that the writ petitioner has encroached into the pathway where it is necessary to conduct survey.

4. Having regard to the aforesaid fact that the Government

had taken appropriate steps in the matter and resurvey works are in progress, we do not think that any further direction is required to be passed in the matter. We only observe that appropriate measures shall be taken by the Government to complete the survey and evict the encroachers if any, in accordance with law.

Writ Petition is closed.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE.

sou.