

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 21781 of 2012 (W)

PETITIONER :

MATHEW M.V., AGED 52 YEARS,
S/O.VARGHESE M.V, MANACHERI HOUSE,
VELLIKULAM ROAD JUNCTION, P.O CHALAKUDY, PIN-680 307.

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)

RESPONDENTS:

1. THE STATE OF KERALA,
REP.BY THE SECRETARY TO THE GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695001.
2. THE KOTTUVALLY GRAMA PANCHAYAT,
REP.BY ITS SECRETARY, VALLUVALLY,
KONAMMAVU P.O., ERNAKULAM DISTRICT, PIN-683518.
3. THE SNDP SAGHA NO.1060,
VALLUVALLY. KONAMMAVU P.O, ERNAKULAM DISTRICT,
PIN-683518.

R3 BY ADV. SRI.M.V.BOSE
R2 BY ADV. SRI.BABU KARUKAPADATH
R2 BY ADV. SMT.M.A.VAHEEDA BABU
R2 BY ADV. SRI.JAGAN GEORGE
R2 BY ADV. SRI.K.A.NOUSHAD
R2 BY ADV. SRI.P.G.PRAMOD
R2 BY ADV. SRI.KANDAMPULLY RAHUL
BY SR.GOVERNMENT PLEADER SRI.T.J.MICHAEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No.21781/2012

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 A TRUE COPY OF THE COMPLAINT BY THE PETITIONER DATED 28/6/2012
BEFORE THE SECOND RESPONDENT.

EXT.P2 A TRUE COPY OF THE RECEIPT ISSUED BY THE SECOND RESPONDENT DATED
28/6/2012.

RESPONDENTS' EXHIBITS : NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.21781 of 2012

Dated this the 23rd day of September, 2015

JUDGMENT

The petitioner, who is the resident of Kottuvalli Grama Panchayat in a residential building situated in 20 cents of land in Survey No.409/5 of Kottuvally Village, has approached this Court in this writ petition seeking a writ of mandamus commanding the 2nd respondent to consider Ext.P1 representation and order demolition of the illegal construction made by the 3rd respondent within a time limit which may be fixed by this Court.

2. A counter affidavit has been filed on behalf of the 2nd respondent in which it has been stated that, on receipt of Ext.P1 complaint an inspection was conducted, in which it was found that the 3rd respondent has made certain illegal construction. The President of the Grama Panchayat conducted a personal hearing on 25.10.2014 in which the petitioner as well as the 3rd respondent were heard and the office bearer of the 3rd respondent agreed to demolish the illegal construction within 15 days and that the petitioner herein has also agreed to withdraw this writ petition.

3. Today when the case was taken up for final hearing the learned counsel for the petitioner would submit that he is not having any instruction as to whether the aforesaid illegal construction has already been demolished by the 3rd respondent.

In such circumstances, this Writ Petition is disposed of with the following directions:-

If illegal construction referred to in Ext.P1 representation is yet to be demolished, it is for the petitioner to make an appropriate representation before the 2nd respondent Grama Panchayat, within a period of two weeks from today; in which event the Panchayat shall consider the same and pass appropriate orders thereon, with notice to the petitioner and also to the 3rd respondent.

Sd/-

ANIL K.NARENDRA, JUDGE

skj