

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(C).No. 18061 of 2015 (G)

PETITIONER(S) :

**K.R.MANI,
S/O.LATE RAMANKUTTY, ODAMPILLI PARAMBU, CHULLICKAL,
COCHIN- 682 005.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S) :

- 1. CORPORATION OF COCHIN,
MATTANCHERRY CIRCLE, MATTANCHERRY , PIN- 682 002,
REPRESENTED BY ITS ASSISTANT HEALTH OFFICER.**
- 2. K.K.RAVINDRANATHAN,
SECRETARY, DR.AMBEDKAR CULTURAL FORUM,
REG.NO.ER-1031/1999, PANDIKUDY, STATUE ROAD,
COCHIN, PIN- 682 003.**
- 3. THE VILLAGE OFFICER,
THOPPUMPADI VILLAGE, THOPPUMPADI, COCHIN- 682 005.**
- 4. EXECUTIVE ENGINEER (PWD),
PWD BUILDINGS DIVISION, EDAPPALLY, ERNAKULAM, PIN- 682 024.**
- 5. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, ERNAKULAM- 682 030.**

**R1 BY ADV. SRI.K.ANAND, S.C
ADV. SRI.P.K.SOYUZ, S.C
R3 TO R5 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE RECEIPT NO.10948 DATED 31.03.2015 FOR THE YEAR 2015-2016 ISSUED BY THE 1ST RESPONDENT.
- EXT.P2: TRUE COPY OF THE JUDGMENT MADE IN W.P.(C) NO.11910/2012 DATED 11/06/2012.
- EXT.P3: TRUE COPY OF THE INFORMATION DATED 25/08/2009 FURNISHED BY THE 5TH RESPONDENT.
- EXT.P4: TRUE COPY OF INTERIM ORDER DATED 12/08/2013 MADE IN W.P.(C) NO.2400/2011.
- EXT.P5: TRUE COPY OF THE COMMUNICATION DATED 09/05/2011 ADDRESSED TO THE DISTRICT COLLECTOR BY THE EXECUTIVE ENGINEER.
- EXT.P6: TRUE COPY OF THE COMMUNICATION DATED 15/01/2013 ADDRESSED TO THE EXECUTIVE ENGINEER TO THE ASSISTANT EXECUTIVE ENGINEER.
- EXT.P7: TRUE COPY THE REPRESENTATION DATED 25/08/2014 MADE BY THE PETITIONER BEFORE THE 5TH RESPONDENT.
- EXT.P8: TRUE COPY OF THE POSTAL ACKNOWLEDGEMENT DATED 31/08/2014 ISSUED FROM THE 5TH RESPONDENT'S OFFICE.
- EXT.P9: TRUE COPY OF THE CIRCULAR DATED 26/07/2002 ISSUED BY THE DISTRICT COLLECTOR , ERNAKULAM.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18061 of 2015

Dated this the 16th day of June, 2015.

JUDGMENT

The limited prayer in this writ petition is only for a time bound direction to the respondent Corporation to consider and pass appropriate orders on Ext.P7.

2. The petitioner is conducting an automobile workshop at Mattanchery. There are disputes between the petitioner and the 2nd respondent in connection with the use of a pathway owned by the Corporation of Cochin. The petitioner is conducting a workshop in the premises owned and possessed by him which is renewed from time to time. The licence for the current year 2015-16 was renewed on 31.3.2015 by the first respondent. In the meantime, the first respondent Corporation tried to hand over possession of the properties extending to more than 23 cents of road puramboke in Sy.No.1109 of Thoppumpady village. In this context, when there was objection against the assignment of road puramboke

to the second respondent herein, the fourth respondent had entrusted the land and building to the Corporation of Cochin since the Road puramboke was owned by the first respondent. Under the above circumstances, the petitioner had submitted a representation to the fifth respondent against the unauthorised occupation of the land and building owned by the first respondent being handed over to the second respondent who is an ex-employee of the Cochin Corporation. However, even after a lapse of nearly 10 months from the date of receipt of Ext.P7, no action has been taken by the fifth respondent against the illegal act of the first respondent in attempting to assign 23 cents of road puramboke along with the building constructed with MLA fund free of cost to the second respondent; it is alleged. It is with this background, the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner, the learned Standing Counsel for the respondent Corporation and the learned Government Pleader in the matter.

Considering the nature of prayer and the nature of relief sought for, the writ petition is disposed of directing the respondent Corporation to consider and pass appropriate orders on Ext.P7, after affording the petitioner an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment. To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the respondent Corporation at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.

The words "respondent Corporation" in the decretal portion of the judgment dated 16.6.2015 in W.P.(C) No.18061/2015 are substituted by the words "District Collector" as per order dated 03.07.2015 in I.A.No.9032/2015 in W.P.(C) No.18061/2015.

Sd/-
Registrar (Judicial)