

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 25929 of 2007 (J)

PETITIONER(S):

**M.A.RASHEED,
S/O.AVARUTTY HAJI, AGED 39 YEARS, 613,
POONKUNNAM APARTMENT, POONKUNNAM, THRISSUR.**

BY ADV. SRI.R.RAJASEKHARAN NAIR

RESPONDENT(S):

- 1. STATE OF KERALA,
SECRETARY, REVENUE DEPARTMENT, SECRETARIAT,
TRIVANDRUM.**
- 2. THE CHOONDAL GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, CHOONDAL, KECHERI
THRISSUR.**
- 3. THE SECRETARY,
CHOONDAL GRAMA PANCHAYATH, KECHERI P.O., THRISSUR.**
- 4. THE CHOONDAL GRAMA PANCHAYATH,
COMMITTEE, KECHERI, THRISSUR,
REPRESENTED BY ITS PRESIDENT.**

R1 BY GOVERNMENT PLEADER SRI.SOJAN JAMES

R-4 BY ADV. SRI.P.RAMAKRISHNAN

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

PJ

WP(C).No. 25929 of 2007 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1- TRUE COPY OF THE DOCUMENT BEARING NO.1194/70

EXHIBIT-P2- TRUE COPY OF THE DOCUMENT BEARING NO.S.180/93

EXHIBIT P3- TRUE COPY OF THE DOCUMENT BEARING NO.1113/1334

EXHIBIT P4- TRUE COPY THE NOTICE DATED 16/8/07

**EXHIBIT P5- TRUE COPY OF THE APPEAL MEMORANDUM ALONG WITH
DOCUMENTS**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.25929 of 2007

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Dated this the 9th day of September, 2015

JUDGMENT

The petitioner is in possession and enjoyment of 41.90 ares of land comprised in Sy. No.216 of Choondal village, which is within the limits of Thrissur district. The petitioner alleges that the said property was inherited by him from his ancestors. The writ petition is filed challenging the notice issued by the 3rd respondent stating that the petitioner has encroached into the puramboke land lying in R.S Nos.571 and 572 of the aforesaid village.

2. The petitioner points out that from the judgments and orders passed by the Courts of law, it is clear that the petitioner was in absolute possession and enjoyment of the property belonging to him. The petitioner alleges that the 3rd respondent without appreciating the true and factual situations and without verifying any facts and without hearing the petitioner issued Ext.P4 notice. The petitioner further alleges that the 2nd respondent without measuring his property and without verifying any documents has come to the conclusion that there is encroachment

in the Government land. Aggrieved by Ext.P4 notice, the petitioner preferred an appeal before the 4th respondent which is pending considering. It is with this background, the petitioner has approached this Court.

3. When the matter came up for hearing, the learned counsel for the petitioner pointed out that Ext.P5 appeal is pending before the third respondent and, therefore, confined his argument to the limited prayer for a direction to the said respondent to consider and pass appropriate orders on the appeal after affording the petitioner and affected parties an opportunity of being heard.

Therefore, the writ petition is disposed of directing the 3rd respondent to consider and pass appropriate orders on Ext.P5 appeal within a period of three months from the date of receipt of a copy of this judgment, after affording the petitioner and affected parties an opportunity of being heard. Till that exercise is completed, the present state of affairs shall be allowed to continue.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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