

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 18762 of 2015 (U)

PETITIONER :

**ANNAMMA THOMAS,
W/O.(LATE) P.T.THOMAS,
CHERUMMOOTIL HOUSE, PARAMPUZHA
MOSCO KAVALA, KOTTAYAM - 686 004.**

**BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVERNMENT
PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. THE EXECUTIVE ENGINEER,
ROADS SUB DIVISION, PUBLIC WORKS DEPARTMENT
KOTTAYAM - 686 002.**
- 3. THE ASSISTANT EXECUTIVE ENGINEER,
ROADS SUB DIVISION, PUBLIC WORKS DEPARTMENT
KOTTAYAM - 686 002.**
- 4. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM - 686 001.**
- 5. THE VIJAYAPURAM GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, VADAVATHOOR
KOTTAYAM - 686 010.**

R1 TO R4 BY GOVT. PLEADER SRI. GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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...2/-

WP(C).No. 18762 of 2015 (U)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1:- TRUE COPY OF THE RELEVANT EXTRACT OF SALE DEED NO. 2690/71 OF KOTTAYAM SUB REGISTRY OFFICE.**
- EXT. P2:- TRUE COPY OF THE THANDEPER EXTRACT PERTAINING TO THE PETITIONER'S PROPERTY.**
- EXT. P3:- TRUE COPY OF THE PROCEEDINGS NO. A1-379/2015 DTD. 18/6/2015 OF THE 3RD RESPONDENT.**
- EXT. P4:- TRUE COPY OF THE NOTIFICATIONS UNDER THE HIGHWAY PROTECTION ACT 1999 COMPRISING OF S.R.O. NOS. 161/2000, 163/2000,1049/2005 AND 944/2007.**
- EXT. P5:- TRUE COPY OF THE KERALA HIGHWAY PROTECTION ACT, 1999.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.18762/2015

Dated this the 18th Day of September, 2015

J U D G M E N T

The petitioner, aggrieved by a notice issued under the Highway Protection Act, 1999 has approached this Court. By the above notice, the petitioner has been ordered to remove the illegal constructions on the highway route. Ext.P3 is the said notice.

2. This Court, by order dated 23/06/2015 has granted an interim stay of Ext.P3 notice, which was extended further and is still in existence. This Court is of the view that since Exhibit P3 being a notice, the petitioner shall raise objection to the notice. This shall be done within two weeks from the date of receipt of a copy of this judgment. On receipt of the objection, appropriate decision shall be taken by the Assistant Executive Engineer. The Assistant Executive Engineer shall pass appropriate orders within a further period of two weeks. If it is found that the petitioner's objections are unsustainable, the Assistant Executive Engineer is free to take appropriate action to remove the encroachments. Till a final decision is taken in the matter, interim order passed by this Court will continue.

The writ petition is disposed of as above. No costs.

Sd

(A.MUHAMED MUSTAQUE, JUDGE)

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