

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 18947 of 2015 (P)

PETITIONER(S):

**K.R. MOHANDAS, AGED 67 YEARS,
S/O. KATTIPARAMBIL RAGHAVAN, VATTATHIL HOUSE,
KANAYANNUR TALUK, S.S. ASHRAMAM ROAD,
COCHIN -682 018.**

BY ADV. SRI.C.K.SREEJITH.

RESPONDENT(S):

- 1. THE SECRETARY, CORPORATION OF COCHIN,
ERNAKULAM- 682 011.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, ERNAKULAM- 682 030.**
- 3. TOWN PLANNING OFFICER,
CORPORATION OF COCHIN, ERNAKULAM- 682 035.**
- 4. ALLY, SY. NO.2065, PURAMBOKKU, ERNAKULAM CORPORATION,
AYYAPPANKAVU, ERNAKULAM VILLAGE, KANAYANNUR TALUK,
ERNAKULAM DISTRICT-682 312.**
- 5. TAHSILDAR, KANAYANNUR TALUK,
ERNAKULAM DISTRICT -682 312.**
- 6. VILLAGE OFFICER, ERNA-682 312.**
- 7. THE CIRCLE INSPECTOR OF POLICE,
ERNAKULAM NORTH POLICE STATION,
ERNAKULAM- 682 018.**

**R1 & R3 BY ADV. SRI.P.K.SOYUZ, SC.
R2 & R5 TO R7 BY GOVT. PLEADER SMT.K.A. SANJEETHA.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 THE TRUE COPY OF THE REPLY ISSUED BY THE VILLAGE OFFICE, ERNAKULAM ISSUED TO THE COUNSEL FOR THE PETITIONER IS A PURAMBOKU LAND.**
- EXHIBIT P2 THE TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DTD. 30/10/2012.**
- EXHIBIT P3 THE TRUE COPY OF THE REPRESENTATION FILED BY THE COUNCILLOR BEFORE THE 5TH RESPONDENT DTD. 07/06/2013.**
- EXHIBIT P4 THE TRUE COPY OF THE REPORT FILED BY THE VILLAGE OFFICER, ERNAKULAM DTD. 03/05/2013.**
- EXHIBIT P5 THE TRUE COPY OF THE REPORT PREPARED ALONG WITH THE SKETCH DTD. 10/10/2013.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18947 of 2015

Dated this the 24th day of June, 2015

J U D G M E N T

This writ petition is filed seeking a direction to the 2nd respondent to take an appropriate action on Ext.P2 representation.

2. The petitioner is having an extent of 3.3 cents of land in Sy.No.2065/2 of Kanayannur Taluk within the local limits of the respondent corporation, which is situated on the side of Ayyappankavu - Kacherippady Road. He alleges that the 4th respondent has erected a hut on the north-east side of the aforesaid property encroaching into the road puramboke and the pathway leading to the petitioner's property. The petitioner filed several complaints before respondents 1 and 2; and on the basis of the same, the Village Officer and the Taluk Tahsildar has prepared a sketch, which states that the 4th respondent has encroached into the public pathway and the road puramboke; it is alleged. It is in this context, the petitioner has come up before this Court seeking for a direction to the 2nd

..2..

respondent to take appropriate action against the 4th respondent and to evict the 4th respondent from the unauthorized occupation.

3. Heard the learned counsel for the petitioner, the learned Standing Counsel for the respondent corporation and the learned Government Pleader.

4. Today, when the matter was taken up, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the 2nd respondent to consider Ext.P2 representation.

5. Considering the nature of the submission, this Court is of the view that the writ petition can be disposed of even without issuing notice to the 4th respondent.

Therefore, this writ petition is disposed of directing the 2nd respondent to consider and pass appropriate orders on Ext.P2 after affording the petitioner and the affected parties an opportunity of being heard within a period of three months from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-