

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 19477 of 2015 (H)

PETITIONER :

**1. BABU JOSEPH PUTHENANGADI
SECRETARY, ST.MARIYA JUSTICE FORUM, NEAR LIONS CLUB
K.S.R.T.C. ROAD, CHALAKKUDY, PIN- 680 307.**

**2. DAVID T. UKKEN
AGED 62 YEARS, S/O. LATE U.M. JOSEPH,
UKKEN HOUSE, VELLILKULAM ROAD,
CHALAKKUDY - 680 307.**

**BY ADVS.SRI.DEEPU THANKAN
KUM.P.V.JAYALAKSHMY
SRI.THOMAS C. KONDODY
SRI.K.C.SANTHOSH**

RESPONDENT(S) :

**1. DISTRICT COLLECTOR
THRISSUR – 680 003.**

**2. TAHASILDAR
CHALAKUDY - 680 397.**

**3. CHALAKKUDY MUNICIPALITY
REP. BY ITS SECRETARY - 680 307.**

**R1 & R2 BY GOVT. PLEADER SMT. K.A. SANJEETHA
R3 BY ADV. SRI.SHEEJO CHACKO, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

WP(C).No. 19477 of 2015 (H)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1: A TRUE COPY OF THE REPLY NOTICE ISSUED BY THE MUNICIPALITY UNDER RTI ACT DATED 05.05.2015.**
- EXHIBIT P2: PHOTOGRAPHS OF THE CONCERNED LOCALITIES.**
- EXHIBIT P3: SKETCH OF THE CONCERNED LOCALITIES.**
- EXHIBIT P4: A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER TO THE 1ST RESPONDENT DATED 17/4/2015.**
- EXHIBIT P5: A TRUE COPY OF THE COMPLAINT SUBMITTED TO THE CHIEF MINISTER OF KERALA BY THE 2ND PETITIONER DATED 13.4.2015.**
- EXHIBIT P6: A TRUE COPY OF REPLY OF THE 2ND RESPONDENT DATED 10.5.2015.**
- EXHIBIT P7: A TRUE COPY OF THE REPLY OF THE 3RD RESPONDENT DATED 29.4.2015.**
- EXHIBIT P8: A TRUE COPY OF THE INFORMATION GIVEN BY THE MUNICIPALITY DT. 2/5/2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.19477 of 2015

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Dated this the 29th day of June, 2015

JUDGMENT

The petitioners are seeking a direction to the respondent municipality to consider Exts.P4 representation and P5 complaint.

2. The petitioners are the residents of Chalakkudy municipality.

The second petitioner is the resident on the side of the tramway road having 20 cents of property with a frontage to the tramway road.

3. The petitioners allege that earlier there was a historically known forest tramway narrow gauge railway line which was stopped in the year 1973 and now it has been converted as a road within the municipal areas which is now known as “tramway road”. Both sides of the tramway were occupied by landless people in Chalakkudy municipal area and these unauthorized occupants in the said area have become inconvenient to the public.

4. The respondent municipality in the year 1978 have decided to evict all these families from the side of the tramway road by establishing a rehabilitation project for which municipality has acquired 2.5 acres of land. Thereafter, the municipality has evicted all these 51 families from this area and rehabilitated them by giving 3.5 cents of land to each family.

5. The petitioner further alleges that though the respondent municipality has cleared all the unauthorized occupants from the western side of the old National Highway, unauthorized occupants on the eastern side of the NH along with the tramway were not evicted, in spite of the fact that there was surplus area in the land acquired for the rehabilitation purpose.

6. Second petitioner is the owner of 20 cents of land comprised in S. No.229/2 of Chalakkudy East village and the above said property is having a frontage to tramway in the area between the tramway and bus stand which was unauthorizedly occupied by one

Philomina and thereby, restraining the second petitioner to access the entry to his property through the tramway. According to the petitioner, the same is with the new bus stand, Chalakkudy North Bus Stand on the right side of tramway road commencing from old NH. The main exit of the said bus stand is to the tramway road and the width of the tramway road from that point to the old NH is very narrow due to the unauthorized occupancy of nine families on the side of the tramway road. The petitioners further allege that due to the above, the operation of the bus stand is kept in abeyance.

7. The grievance of the petitioners is that though they have submitted a number of representations before respondents 1 to 3, they have not taken any action other than delegating the matter to the various authorities.

8. Heard the learned counsel for the petitioners, the learned standing counsel for the respondent municipality and the learned Government Pleader in the matter.

9. The learned standing counsel for the respondent municipality would submit that Ext.P4 is addressed to the District collect and a copy of the same has not be served on the respondent municipality.

Therefore, the writ petition is disposed of directing the petitioners to submit a copy of Ext.P4 to the respondent municipality who shall consider the same and pass appropriate orders after affording the petitioner and affected parties an opportunity of being heard within a period of 45 days from the date of receipt of a copy of this judgment.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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