

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937**

**WP(C).No. 19823 of 2015 (C)**  
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**PETITIONER(S):**  
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**KAMESWARAN,  
S/O.MUTHALAGU AGED 45 YEARS,  
RESIDING AT 20 ROOMS LINE,  
SILENT VALLEY ROAD, MUNNAR.**

**BY ADV. SRI.BABU PAUL**

**RESPONDENT(S):**  
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**THE MUNNAR GRAMA PANCHAYAT,  
REPRESENTED BY THE SECRETARY,  
MUNNAR, PIN: 685 612.**

**BY ADVS.SRI.SANTHOSH MATHEW  
SRI.ARUN THOMAS, SC, MUNNAR GRAMA PANCHAYAT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**PJ**

**WP(C).No. 19823 of 2015 (C)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**P1 - TRUE COPY OF THE VOTERS I.D. CARD ISSUED TO THE PETITIONER.**

**P2 - THE TRUE COPY OF THE REPRESENTATION DT.22.6.2015 FILED BY THE  
PETITIONER.**

**RESPONDENT(S)' EXHIBITS**  
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**NIL.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**A.V. RAMAKRISHNA PILLAI, J.**

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W.P.(C) No.19823 of 2015  
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Dated this the 1<sup>st</sup> day of July, 2015.

**JUDGMENT**

The petitioner has approached this Court aggrieved by the action on the part of the respondent panchayat in initiating steps for eviction of the petitioner, which according to the petitioner, is without any notice.

2. The petitioner is a permanent resident of Munnar. He is residing along with his family consisting of his handicapped daughter, children, wife and parents. The petitioner alleges that he does not have any basic education and he is looking after his family by conducting a small petty bunk shop at Munnar for the last 20 years on the road side which is vested with the respondent panchayat. His bunk shop is not causing any obstruction to the vehicular traffic as well as pedestrians. He is conducting the bunk shop by way of self employment without any aid from the panchayat or government and is the only source of livelihood to the

petitioner and his family. A couple of days ago, the officer attached to the office of the respondent panchayat came to the bunk shop and directed the petitioner to remove the bunk shop from the said area with immediate effect. They also threatened the petitioner that unless he voluntarily removes the bunk shop, they would forcibly demolish the bunk shop; it is alleged. However, they have not issued any formal notice to the petitioner either under the Panchayat Raj Act or under any other law including the Land Conservancy Act. Being apprehensive of the coercive action that be initiated by the respondent, the petitioner has filed a representation to the first respondent as well as the president of the panchayat ventilating his grievances. The petitioner further alleges that he also requested that since it is a self employment venture, in case the bunk shop is to be removed he be rehabilitated in a suitable place.

3. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent

panchayat.

As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent panchayat to consider Ext.P2, the writ petition is disposed of directing the respondent panchayat to consider and pass appropriate orders on Ext.P2 representation, 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. Till that exercise is completed, the present state of affairs shall be continued.

**Sd/-**  
**A.V. RAMAKRISHNA PILLAI**  
**JUDGE**

Scl.