

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 20238 of 2015 (D)

PETITIONER(S):

**BEENA, AGED 35 YEARS,
W/O.ANILKUMAR, KUTTIKKATTU MANNEL, PRAYAR SOUTH,
ALUMPEEDIKA P.O., PIN - 690 547, CLAPPANA VILLAGE,
KARUNAGAPPALLY.**

**BY ADVS.SRI.V.PHILIP MATHEW
SRI.E.RADHAKRISHNAN**

RESPONDENT(S):

- 1. STATE OF KERALA REPRESENTED BY ITS SECRETARY, DEPARTMENT
OF REVENUE, KERALA GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. DISTRICT COLLECTOR, KOLLAM, PIN - 691 013.**
- 3. THE TAHSILDAR, TALUK OFFICE, KARUNAGAPPALLY, PIN - 690 518.**
- 4. THE VILLAGE OFFICER, VILLAGE OFFICE, CLAPPANA VILLAGE - 690 525.**
- 5. TALUK SURVEYPR, TALUK OFFICE, KARUNAGAPPALLY - 690 518.**
- 6. RAJU, USHALAYAM, PRAYAR SOUTH, ALUMPEEDIKA P.O.,
KARUNAGAPPALLY, PIN - 690 547.**
- 7. ANITHA, MOHANALAYAM, PRAYAR SOUTH, ALUMPEEDIKA P.O.,
KARUNAGAPPALLY, PIN - 690 547.**

R1-5 BY GOVERNMENT PLEADER SRI.GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF SALE DEED NO.4077/12
- P2: COPY OF SALE DEED NO.3008/08 OF OACHIRA SRO.
- P3: COPY OF THE ORDER DATED 5.6.2012 IN IA.NO.991/2012 IN OS.NO.169/2012 ON THE FILE OF MUNSIFF'S COURT, KARUNAGAPPALLY.
- P4: COPY OF THE NOTICE DATED 29/12/2014 ISSUED TO THE RESPONDENTS 1 TO 4
- P5: COPY OF THE REPLY DATED 28.1.2015 ISSUED BY THE 4TH RESPONDENT.
- P6: COPY OF THE PLAINT IN OS.140/15 ON THE FILE OF MUNSIFF COURT, KARUNAGAPALLY.
- P7: COPY OF THE NOTICE DATED 25.2.2015 ISSUED TO THE PETITIONER.
- P8: COPY OF THE NOTICE DATED 25.2.2015 ISSUED TO THE PETITIONER'S HUSBAND.
- P9: COPY OF NOTICE DATED 11.03.2015 ISSUED TO THE PETITIONER.
- P10: COPY OF THE NOTICE DATED 11.3.2015 ISSUED TO THE PETITIONER'S HUSBAND.
- P11: COPY OF THE JUDGMENT DATED 19.3.2015 IN WPC.8361/2015.
- P12: COPY OF THE REPRESENTATION DATED 26.6.2015.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.20238 of 2015

Dated this the 8th day of October, 2015

JUDGMENT

The petitioner has approached this Court with the following prayer:

“Issue a writ of mandamus or other appropriate writ or order commanding respondents 1 to 5 not to take any steps to dispossess the petitioner from her property covered by Exhibits P1 and P2 situated in Clappanna Village, Karunagapally Taluk, Kollam District.”

2. It is submitted by the learned Government Pleader that the respondents have no intention to evict the petitioner from the property owned by him. However, they are taking action in terms of the Kerala Land Conservancy Act to evict the petitioner from the land encroached by him. It is submitted that based on the civil court directions, the property was measured and the Government was demarcated.

This Court is of the view, any eviction of the petitioner shall only be in accordance with the Kerala Land Conservancy Act after

issuing notice to the petitioner and appropriate action shall be taken in terms of the procedure under the Kerala Land Conservancy Act and Rules.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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