

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

WP(C).No. 20502 of 2015 (K)

PETITIONER :

**JOHN JOSEPH,
PUTHAYATHUMOLEL HOUSE, ADIMALI P.O.,
CHATTUPARA, IDUKKI DISTRICT.**

BY ADV. SRI.JOSE J.MATHAIKAL

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
IDUKKI. PIN-685 607**
- 2. THE ADIMALI GRAMA PANCHAYATH,
ADIMALI P.O.,PIN-685 561, IDUKKI DISTRICT,
REPRESENTED BY ITS SPECIAL GRADE SECRETARY.**
- 3. THE COMMITTEE OF ADIMALI GRAMA PANCHAYATH,
ADIMALY P.O.,PIN-685 561, IDUKKI DISTRICT,
REPRESENTED BY ITS PRESIDENT.**

**R1 BY GOVERNMENT PLEADER SRI.BOBBOY JOHN PULICKAPARAMBIL
R2 & R3 BY ADV.SRI.LATHEESH SEBASTIAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 20502 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1- TRUE COPY OF THE COMMUNICATION NO. B 18689/10 DATED
05/04/2011.**

**EXHIBIT-P2- TRUE COPY OF THE PETITION DATED 13/04/2015 SUBMITTED BY THE
PETITIONER.**

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

/TRUE COPY/

P.A.TO JUDGE

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A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 20502 of 2015

Dated this the 8th day of July, 2015.

JUDGMENT

Aggrieved by the inaction on the part of the first respondent in considering the petitioner's application, the petitioner has come up before this Court.

2. The petitioner is a farmer. He is in absolute ownership and possession of 1.87 acres of land in Mannamkandam Village near Adimali in Idukki District. The petitioner alleges that in the year 2000, the Adimali Grama Panchayat constructed a public pathway through the side of the above property after demolishing the boundary walls and also agreeing to reconstruct the same immediately. However, no action was taken by the panchayat to reconstruct the boundary wall as agreed. Therefore, the petitioner submitted various complaints before the panchayat and they were not considered. In such circumstances, the petitioner submitted a complaint dated 8.12.2010 before the District Collector, Idukki

seeking redressal of his grievance. The Collector forwarded that complaint to the Adimali Grama Panchayat for further steps. The petitioner received Ext.P1 communication from the Grama Panchayat stating that the committee considered the request and decided to examine whether the request of the petitioner can be resolved by including it in the Mahatma Gandhi Thozhilurappu Scheme. Thereafter, no further steps were taken by the panchyath to do the work. Therefore, the petitioner submitted a petition dated 13.4.2015 before the District Collector with copy to the panchayat. There is no response to that petition also; it is alleged.

3. I have heard the learned counsel for the petitioner, the learned Standing Counsel for the respondent panchayat and the learned Senior Government Pleader in the matter.

As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to consider Ext.P2, the writ petition is disposed of directing the first respondent District Collector, Idukki to consider and pass

appropriate orders on Ext.P2, after affording the petitioner and the affected parties, within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the first respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.