

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C).No. 30744 of 2006 (I)

PETITIONER(S):

**KADAPRA GRAMA PANCHAYATH,
REP. BY SECRETARY, KADAPRA.**

BY ADV. SRI.P.HARIDAS

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
PATHANAMTHITTA.**
- 2. DEPUTY DIRECTOR OF SURVEY & LAND RECORDS
PATHANAMTHITTA.**
- 3. T.C.CHACKO,
S/O.CHACKO KOCHUCHACKO, THITTAYAIL HOUSE, KADAPRA
THIRUVALLA.**
- 4. LEELAMMA CHACKO,
W/O.CHACKO, THITTAYAIL HOUSE, KADAPRA
THIRUVALLA.**

**R1 & 2 BY SENIOR GOVERNMENT PLEADER SRII.SAIDALAVI
R3 & R4 BY ADV. SRI.TOMY SEBASTIAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE RESOLUTION NO.6 DATED 11/3/77 ISSUD BY THE PETITIONER**
- P2: TRUE COPY OF THE RESOLUTION NO.2 DATED 25/11/77 ISSUD BY THE PETITIONER**
- P3: TRUE COPY OF THE RESOLUTION NO.6(2) DATED 15/3/99 ISSUD BY THE PETITIONER**
- P4: COPY OF THE JUDGMENT DASTED 25/1/2002 IN OP.1543/2002 BEFORE THIS HONOURABLE COURT.**
- P5: COPY OF THE ORDER IN CMP.13855/2002 IN OP.1543/02 DATED 26/3/2002 BEFORE THIS HONOURABLE COURT.**
- P6: COPY OF THE LETTER DATED 10/4/2003 ISSUED BY THE R2**
- P7: COPY OF THE RESOLUTION DATED 30/10/2006 NO.V/5**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY

P.S. TO JUDGE

PJ

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.30744 of 2006

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Dated this the 30th day of October, 2015

JUDGMENT

The petitioner which is a grama panchayat has approached this Court alleging that there was a public well in the property donated to them by the erstwhile president. They further alleges that the third respondent has encroached into the property where the well was situated and forcibly reclaimed the well contending that the said property stands in his name after the resurvey. The petitioner further alleges that representation was given to the second respondent.

2. The second respondent found that the third respondent was holding 1.58 ares in excess of the property covered by the title deeds. However, no action was taken on the same. The petitioner again approached the second respondent seeking to demarcate the panchayat property and to make necessary correction in the resurvey records. It is with this background, the petitioner has approached this Court.

3. As the issue relates to a right pertaining to a well, this Court is of the view that the scope for interference in the matter in exercise of the powers under Article 226 of the Constitution is little.

Therefore, the writ petition is closed reserving the right of the petitioner to approach a competent civil forum if they are having any subsisting grievance.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

krj