

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 20595 of 2015 (Y)

PETITIONERS:

- 1. MUTHUKADU PUNARADHIVASA KARSHAKA TRUST,
REG. NO.20/2014, MUTHUKADU. P.O, PERUVANNAMUZHY,
KOZHIKODE DISTRICT, REPRESENTED BY ITS PRESIDENT,
SRI.MATHEW THOMAS.**
- 2. JOSEPH PATTASERRY, PATTASERRY HOUSE,
MUTHUKADU. P.O, PERUVANNAMUZHY, KOZHIKODE DISTRICT.**

**BY SRI.RAJU JOSEPH, SENIOR ADVOCATE.
ADVS.SRI.J.JULIAN XAVIER,
SRI.ROY JOSEPH.**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM, PIN-695 001.**
- 2. DISTRICT COLLECTOR, KOZHIKODE.**
- 3. ADDITIONAL TAHSILDAR,
TALUK OFFICE, QILANDY,
KOZHIKODE, PIN-673 305.**
- 4. VILLAGE OFFICER,
CHAKKITTAPARA VILLAGE, KOZHIKODE, PIN-673 528.**
- 5. S.I. OF POLICE, PERUVANNAMUZHY POLICE STATION,
PERUVANNAMUZHY-673 528, KOZHIKODE.**
- 6. CHAKKITTAPARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, CHAKKITTAPARA,
PERUVANNAMUZHY.P.O., PIN-673 528, KOZHIKODE.**

R1 TO R5 BY GOVT. PLEADER SMT.C.K.SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 A TRUE COPY OF THE COMMUNICATION DATED 31.03.1970 FROM THE 2ND RESPONDENT.
- P2 A TRUE COY OF THE ORDER DATED 24.06.1970 ISSUED BY THE GOVT.
- P3 TRUE COPY OF THE RECEIPT.
- P4(A) AND P4(B) TRUE COPIES OF THE LAND TAX RECEIPTS.
- P5 A TRUE COPY OF THE JUDGMENT DATED 26.07.2004.
- P6 A TRUE COPY OF THE JUDGMENT DATED 09.09.2004 IN W.A.1678/2004.
- P7 A TRUE COPY OF THE ORDER DATED 22.06.2006.
- P8 A TRUE COPY OF THE JUDGMENT DATED 07.02.2014 IN WP(C).NO.18996/2006.
- P9 A TRUE COPY OF THE NOTES SUBMITTED ALONG WITH EXT.P8.
- P10 A TRUE COPY OF THE LETTER DATED 30.10.2014 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.
- P11 A TRUE COPY OF THE LETTER DATED 04.11.2014 ISSUED BY THE 3RD RESPONDENT.
- P12 A TRUE COPY OF THE COMPLAINT DATED 17.06.2015 FILED BY THE 1ST PETITIONER BEFORE THE 5TH RESPONDENT.
- P12(A) THE RECEIPT ISSUED ON 17.06.2015.
- P13 A TRUE COPY OF THE PETITION DATED 18.06.2015.
- P13(A) COPY OF THE RECEIPT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

W.P.(C) No. 20595 of 2015 (Y)

Dated this the 29th day of July, 2015

J U D G M E N T

The petitioners are persons who are representing settlers who were evicted for the purpose of implementation of Kuttiyadi Hydo Electric Project and re-settled in Pillaperuvanna Malavaram of Koothali Estate.

2. The dispute in the above writ petition is with respect to 5 acres of property said to have been kept for the common purpose of the settlers. The petitioners are said to be representing the settlers, who have been re-settled as per Ext.P1.

3. In any event, there was an earlier order passed by the District Collector, in which it was found that there is no assignment as such and that since there are other settlers in the area, it is only proper that the common facilities be taken over by the Panchayath or the District Collector. By Ext.P7 it was directed that the District Collector would take

charge of the entire property. However, the same was challenged by a number of settlers, which challenge came to be disposed of by Ext.P8 directing consideration of the issue afresh, after setting aside Ext.P7. The issue has not been considered afresh and in the meanwhile the settlers are said to have been threatened with penal action and have also been interdicted from enjoyment of the property, is the contention herein.

4. The specific direction in Ext.P8 is as follows:

“I direct that status quo be maintained with regard to the possession enjoyed by the petitioners over the lands in question till such time as the Government passes a fresh order in terms of this judgment and communicates the same to the petitioners.”

5. Hence, it is obvious that the petitioners' possession was to be continued and that shall not be interfered with until orders are passed as directed in Ext.P8 judgment.

Writ petition would stand disposed of with the above direction.

Sd/-
K.VINOD CHANDRAN,
JUDGE