

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. 20599 of 2015 (Y)

PETITIONER:

**SHAJI K.J, AGED 46 YEARS,
S/O.JOSEPH, KOOLIYATH VEEDU, EDAYAKKUNNAM,
CHERANALLOOR, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.R.SUDHISH
SMT.M.MANJU**

RESPONDENT :

**CHERANALLOOR GRAMA PANCHAYATH,
CHERANALLOOR, ERNAKULAM-682 034,
REPRESENTED BY ITS SECRETARY.**

**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. 20599 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 COPY OF THE NOTICE ISSUED BY THE RESPONDENT PANCHAYATH TO THE PETITIONER DATED 26.3.2014.
- P2 COPY OF THE REPLY SUBMITTED BY THE PETITIONER DATED 15.4.2013
- P3 COPY OF THE NOTICE AFFIXED BY THE RESPONDENT PANCHAYATH ON THE PETITIONER'S PROPERTY DATED 3.6.2014
- P4 COPY OF THE REPLY SUBMITTED BY THE PETITIONER TO THE RESPONDENT PANCHAYATH DATED 6.6.2014.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.20599 of 2015

Dated this the 8th day of July, 2015.

JUDGMENT

The petitioner is seeking a direction to the respondent to consider Ext.P4 reply submitted by him.

2. The petitioner's wife is the title holder of 3 cents of property in Sy.No.408/8 situated in Thamarassery - Smaranika Road at Cheranalloor. The petitioner alleges that in 1994, the petitioner constructed the ground floor of his house and thereafter, he constructed the first floor in 1995. The building rules came into effect in the respondent panchayat in 1998. The respondent panchayat issued a notice dated 27.3.2014 to the petitioner on the basis of the complaint received by nearby residence association alleging that the petitioner constructed the house by encroaching the public road. The petitioner submitted reply to the respondent panchayat stating that the present attempt of the people in the locality to widen the existing road by taking property situated on the either side of

the road. The petitioner further alleges that panchayat came to the petitioner's property and affixed the notice on 3.6.2014 requesting the petitioner to demolish the illegal construction within seven days. On receipt of notice, the petitioner submitted reply to the respondent panchayat stating that the property belongs to the petitioner's wife and the petitioner constructed the house 20 years back. The petitioner also requested for measuring the petitioner's property on the basis of his title deed and in case, the petitioner is found in possession more than the extent in the title, he is ready to relinquish the same to the panchayat. The respondent panchayat has not taken any steps on Ext.P4.

3. As the petitioner is seeking only a direction to the respondent to consider Ext.P4, this Court is of the view that the writ petition can be disposed of even without issuing notice to the respondent panchayat.

In the result, the writ petition is disposed of directing the respondent panchayat to consider Ext.P4 reply submitted by

the petitioner within a period of two months from the date of receipt of a copy of this judgment. Further proceedings pursuant to Ext.P3 shall be taken only after finalisation of Ext.P4.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition, a copy of Ext.P4 and the copy of this judgment before the respondent panchayat at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.