

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No.20945 of 2015 (P)

PETITIONER:

**DR.BIJU RAMESH,AGED 51 YEARS,
S/O.LATE G.RAMESHAN,RESIDING AT
SAMTHRIPTI,TC NO.37/852,EAST FORT,
TRIVANDRUM-685023.**

**BY SRI.C.P.SUDHAKARA PRASAD (AENIOR ADVOCATE)
ADV.SRI.P.G.JAYASHANKAR**

RESPONDENT'S:

- 1. STATE OF KERALA,REPRESENTED BY ITS
CHIEF SECRETARY,GOVERNMENT SECRETARIAT,
TRIVANDRUM-695001.**
- 2. THE CHIEF SECRETARY,GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,TRIVANDRUM-695001.**
- 3. THE DISTRICT COLLECTOR & CHAIRMAN,
DISTRICT DISASTER MANAGEMENT AUTHORITY,
CIVIL STATION,KUDUPPANAKKUNNU,
TRIVANDRUM-695043.**
- 4. THE REVENUE DIVISIONAL OFFICER,CIVIL STATION,
KUDAPPANAKKUNNU,TRIVANDRUM-695043.**
- 5. TAHSILDHAR,TALUK OFFICE,EAST FORT,TRIVANDRUM-695023.**

BY SPECIAL GOVT. PLEADER SRI.C.S.MANILAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:TRUE COPY OF THE SETTLEMENT DEED NO.4087/2010.

EXT.P2:TRUE COPY OF THE LAND TAX RECEIPT NO.K 0824201 DATED 8.6.2015.

EXT.P3:TRUE COPY OF THE PROCEEDING NO.2R1/14428/14 DATED 31.12.2014.

**EXT.P3(a):TRUE COPY OF THE BUILDING TAX RECEIPT NO.14613
DATED 18.6.2015.**

**EXT.P3(b):TRUE COPY OF THE BUILDING TAX RECEIPT NO.14614
DATED 18.6.2015.**

**EXT.P3(c):TRUE COPY OF THE BUILDING TAX RECEIPT NO.14615
DATED 18.6.2015.**

**EXT.P3(d):TRUE COPY OF THE BUILDING TAX RECEIPT NO.14616
DATED 18.6.2015.**

**EXT.P4:TRUE COPY OF THE OWNERSHIP CERTIFICATE NO.4589
DATED 01.01.2015.**

**EXT.P4(a):TRUE COPY OF THE OWNERSHIP CERTIFICATE NO.4591
DATED 01.01.2015.**

**EXT.P4(b):TRUE COPY OF THE OWNERSHIP CERTIFICATE NO.4593
DATED 01.01.2015.**

**EXT.P4(c):TRUE COPY OF THE OWNERSHIP CERTIFICATE NO.4595
DATED 01.01.2015.**

EXT.P5:TRUE COPY OF THE SALE DEED NO.3132 OF 1972.

**EXT.P6:TRUE COPY OF THE NOTICE BEARING NO. D-8285/2015
DATED 8.5.2015.**

**EXT.P7:TRUE COPY OF THE NOTICE BEARING NO.D-8285/2015
DATED 8.5.2015.**

EXT.P8:TRUE COPY OF THE 'THANDAPERKANAKKU' OF SURVEY NO.560/364-3.

EXT.P8(a):TRUE COPY OF THE SETTLEMENT REGISTER OF SURVEY NO.560/364

**EXT.P9:TRUE COPY OF THE ORDER NO.H1-33275/15 DATED 16.6.2015 OF THE
3RD RESPONDENT.**

EXT.P10:TRUE COPY OF THE JUDGMENT DATED 22.6.2015 IN WPC 18578/2015.

EXT.P11:TRUE COPY OF THE NOTICE DATED 29.6.2015.

EXT.P12:TRUE COPY OF THE SKETCH ISSUED ALONG WITH THE NOTICE.

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EXT.P13:TRUE COPY OF THE SKETCH ISSUED ALONG WITH THE NOTICE.

EXT.P14:TRUE COPY OF THE SKETCH ISSUED ALONG WITH THE NOTICE.

EXT.P15:TRUE COPY OF SKETCH ISSUED ALONG WITH THE NOTICE.

**EXT.P16:TRUE COPY OF THE REPLY LETTER DATED 1.7.2015 ALONG WITH ITS
ACKNOWLEDGMENT.**

EXT.P17:TRUE COPY OF THE PRELIMINARY OBJECTION DATED 4.7.2015.

EXT.P18:TRUE COPY OF THE HEARING NOTICE ISSUED TO THE PETITIONER.

EXT.P19:TRUE COPY OF THE 5TH RESPONDENT'S REPORT DATED 16.6.2015.

EXT.P20:TRUE COPY OF THE REPLY DATED 8.7.2015.

**EXT.P21:TRUE COPY OF THE REPORT IN MALAYALA MANORAMA DAILY
DATED 30.6.2015.**

EXT.P22:TRUE COPY OF THE REPORT IN DECCAN CHRONICLE DATED 7.7.2015.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

K. Vinod Chandran, J.

W.P.(C).No.20945 of 2015-P

Dated this the 10th day of July, 2015

JUDGMENT

The petitioner was earlier before this Court challenging an order of eviction. This Court had, by Exhibit P10, specifically provided that such proceedings for eviction shall be with notice, with specific details provided as to the property from which the eviction is sought to be made and giving reasonable opportunity to file objections and also affording a hearing. The petitioner now challenges Exhibit P11 notice issued to him, again on the ground of no specification having been made as to the property from which the petitioner is sought to be evicted.

2. The contention raised is that Exhibit P11 notice only refers to Survey No.560/364 part, while the title deed produced at Exhibit P1 and tax receipt at Exhibit P2 shows that the 19 cents of land which the petitioner possesses and enjoys absolutely, is in Survey No.560/364-3. However, the authority has not examined the entire issue and has merely issued a notice for eviction of the petitioner, to which objections can be filed.

3. The petitioner had sought for five documents as per Exhibit P16, but only two documents were supplied; is the case of the petitioner. The learned Special Government Pleader submits that copy of the Settlement Register was supplied and other documents were not supplied, since they are not relevant for the subject matter, which is evident in Exhibit P18. The learned Government Pleader also submits that the authorities would be directed to supply those documents also. In such circumstance, the documents referred to as item Nos.3, 4 and 5 in Exhibit P16, if available, would be supplied to the petitioner. Before an order is passed, a joint inspection will be conducted and the matter settled only in accordance with law. The petitioner would be supplied with the documents within two weeks, inspection conducted and hearing concluded within two weeks therefrom and orders passed within one month thereafter, adverting to the objections raised by the petitioner.

The writ petition is disposed of as above.

Sd/-
K.Vinod Chandran
Judge.

Vku/-

[true copy]