

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C) .No. 21083 of 2015 (I)

PETITIONER(S) :

P.A. HASSAN HAJI,
AGED 83 YEARS, S/O.LATE ANATHY,
KAMBAKUDIYIL HOUSE,
KIZHAKKE VAZHAPPILLY P.O., MUVATTUPUZHA.

BY ADV. SRI.L.RAJESH NARAYAN.

RESPONDENT(S) :

1. DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD, ERNAKULAM-682 030.
2. REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA P.O., ERNAKULAM - 683 562.
3. TAHSILDAR,
MUVATTUPUZHA-683 562.
4. SUB DIVISIONAL MAGISTRATE,
MINI CIVIL STATION, MUDAVOOR P.O.,
MUVATTUPUZHA - 686 669.
5. VILLAGE OFFICER,
VELLURKUNNAM VILLAGE - 683 562.
6. ABDUL SALAM,
S/O.NEDUNGADUSAIDU, NEDUNGATTUKUDI,
VELLARKUNNAM VILLAGE, EAST VAZHAPPILLY KARA,
MUVATTUPUZHA - 683 562.

R6 BY ADV. SRI.T.P.SANTHOSH KUMAR
BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1:- TRUE COPY OF THE AGREEMENT SO ENTERED DTD 16/6/2010.

EXT. P2:- TRUE COPY OF THE ORDER BEARING NO.L.DIS/3137/10/A3 DATED
12/08/2010.

EXT. P3:- TRUE COPY OF THE NOTICE BEARING NO.A12-10104/12 DATED 09/05/2013.

EXT. P4:- TRUE COPY OF THE REPLY.

EXT. P5:- TRUE COPY OF THE ORDER BEARING NO A12/10104/12/K DIS DTD 6/7/2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 21083 of 2015

Dated this the 22nd day of September, 2015

J U D G M E N T

Petitioner is aggrieved by Ext.P5 order of the Sub Divisional Magistrate. He submits that he has received provisional order produced as Ext.P3 and he has raised objection by Ext.P4. It is further submitted that Ext.P5 order is issued without adverting to Ext.P4 objection.

2. This Court is of the view that the petitioner shall be given an opportunity to raise his objections and the Sub Divisional magistrate shall enquire into as to whether nuisance as found out in Ext.P3 exists or not. Therefore, it is obvious that Ext.P5 is issued without considering the objections of the petitioner. Accordingly, Ext.P5 is set aside. Petitioner and party respondents are directed to appear before the Sub Divisional Magistrate/fourth respondent on **12.10.2015**. Thereafter, after hearing the petitioner and the party respondents,

appropriate orders shall be passed in accordance with law. The petitioner shall produce a copy of this judgment before the Sub Divisional Magistrate.

This writ petition is disposed of as above.

sd/-

A.MUHAMED MUSTAQUE,
Judge

MBS/

WP(C).NO.21083 OF 2015

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