

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

WP(C).No. 21830 of 2015 (C)

PETITIONER(S) :

- 1. K.D.VENUGOPAL**
S/O.K.A.DAMODHARAN, AGED 59 YEARS, KOCHERIL BHANU NIVAS
EROOR WEST P.O., NADAMA VILLAGE, KANNAYANNUR TALUK
ERNAKULAM DISTRICT.
- 2. ANIL SAJITH @ ANILKUMAR**
S/O.LATE V.SACHIDANANDAN, AGED 48 YEARS, MANAGING DIRECTOR
KADAKKUMKOOR CHITTIES, NEAR ASHRAMAM HIGH SCHOOL
VAIKKOM.

BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH

RESPONDENT(S) :

- 1. GOVERNMENT OF KERALA**
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF IRRIGATION, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN-695001.
- 2. THE EXECUTIVE ENGINEER**
KUTTANAD DEVELOPMENT DIVISION, THANNEERMUKKOM
ALAPPUZHA DISTRICT, PIN-688527.
- 3. THE ASSISTANT ENGINEER**
KUTTANAD DEVELOPMENT SECTION, VAIKKOM, VAIKKOM P.O.
KOTTAYAM DISTRICT, PIN-686141.

R1 TO R3 BY GOVT. PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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...2/-

WP(C).No. 21830 of 2015 (C)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 :** TRUE COPY OF THE DOCUMENT NO.3186/2007 OF THE SUB REGISTRY, VAIKKOM.
- EXT.P2 :** TRUE COPY OF THE LATEST TAX RECEIPT BEARING RECEIPT NO.3724841 OF BOOK NO.37249 DT.9-7-2015 ISSUED BY THE VILLAGE OFFICER, T.V.PURAM VILLAGE.
- EXT.P3 :** TRUE COPY OF THE POSSESSION CERTIFICATE NO.2647/15 DT. 9-7-2015 ISSUED BY THE VILLAGE OFFICER, T.V. PURAM VILLAGE.
- EXT.P4 :** TRUE PHOTOGRAPHS EVIDENCING THE HOUSE AND HOUSE NUMBERS ASSIGNED TO THE RESIDENTIAL HOUSE COMPRISED IN EXT.P1 TITLE DOCUMENT.
- EXT.P5 :** TRUE PHOTOGRAPHS EVIDENCING THE CONSTRUCTION OF BOUNDARY WALL IN THE PROPERTY OF THE 1ST PETITIONER.
- EXT.P6 :** TRUE COPY OF THE NOTICE DT.11-7-2015 ISSUED BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 21830 of 2015

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Dated this the 14th day of September, 2015

J U D G M E N T

The petitioner aggrieved by a direction issued as per Ext.P6 by the third respondent has approached this Court.

2. As seen from Ext.P6, the petitioner has encroached upon Government land vested with Irrigation department.

3. It is stated in the impugned order the Petitioner has undertaken construction above the retaining wall of the irrigation department. Therefore, the petitioner is liable to remove the same.

4. This Court is of the view that the petitioner is free to raise objection to the Ext.P6 before the 2nd respondent. This shall be done within two weeks from the date of receipt of the copy of this judgment. Thereafter the 2nd respondent shall pass an order thereon, after adverting to the petitioner, within further period of two weeks. Till the decision is taken as above, no action shall be taken against the petitioner. The petitioner shall produce copy of the judgment before the 2nd respondent.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE