

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 35074 of 2004 (A)

PETITIONERS:

- 1. C.I.ABRAHAM**
AGED 42 YEARS, CHERIKKAPRAYIL HOUSE, BIBLE LAND P.O.
THARIODE, VYTHIRI TALUK, WAYANAD DISTRICT.
- 2. N.K.RAJAPPAN, S/O. KUMARAN,**
AGED 39 YEARS, NAGAPPADY HOUSE, BIBLE LAND P.O.
THARIODE, VYTHIRI TALUK, WAYANAD DISTRICT.

BY ADVS.SRI.PHILIP MATHEW
SRI.G.G.MANOJ

RESPONDENTS:

- 1. STATE OF KERALA**
DISTRICT COLLECTOR, WAYANAD DISTRICT, KALPETTA.
- 2. EXECUTIVE ENGINEER,**
K.A. DIVISION, KERALA STATE ELECTRICITY BOARD
THARIODE NORTH, VYTHIRI TALUK, WAYANAD DISTRICT.
- 3. DEPUTY CHIEF ENGINEER,**
CIVIL CIRCLE, KOZHIKODE.
- 4. SECRETARY, THARIYODE GRAMA PANCHAYATH,**
THARIODE NORTH, VYTHIRI TALUK, WAYANAD DISTRICT.

R1 BY SR. GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN
R2 & R3 BY SRI. S. SARAN, SC, KSEB
R2 & R3 BY ADV. SRI.P.SANTHALINGAM, SC, KSEB
R2 & R3 BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB
R4 BY ADV. SRI.C.P.MOHAMMED NIAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

DCS

APPENDIX

PETITIONER(S) EXHIBITS :-

- EXHIBIT P1: TRUE COPY OF THE REPRESENTATION TO THE 1ST RESPONDENT DATED 5.12.1995 SUBMITTED BY THE LOCAL RESIDENTS**
- EXHIBIT P2: TRUE COPY OF THE REPLY DATED 29.12.1995 RECEIVED FROM THE 1ST RESPONDENT TO THE REPRESENTATION DATED 5.12.1995 OF THE LOCAL RESIDENTS.**
- EXHIBIT P3: COPY OF THE REPRESENTATION DATED 27.04.1999 TO THE 4TH RESPONDENT SUBMITTED BY THE PETITIONERS**
- EXHIBIT P4: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS DATED 27.9.1999 BEFORE THE 1ST RESPONDENT**
- EXHIBIT P5: COPY OF THE MASS REPRESENTATION DATED 10.10.2004 SUBMITTED BEFORE THE HONOURABLE CHIEF MINISTER OF KERALA DURING PEOPLE'S CONTACT PROGRAMME ON 14.10.2004**
- EXHIBIT P6: COPY OF THE REPLY SENT BY THE 1ST RESPONDENT TO THE PETITIONERS VIDE NO. KAD/DC/30A/80-81/744 DATED 11.10.2004**
- EXHIBIT P7: COPY OF THE JUDGMENT DATED 20.10.1994 IN O.P.NO. 844/1990-A**
- EXHIBIT P8: COPY OF THE SKETCH DATED 3.11.2004 OF THE RESERVOIR AREA**

RESPONDENTS' EXHIBITS :- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 35074 OF 2004

Dated this the 14th day of July, 2015

JUDGMENT

The property of the petitioners is sandwiched between the forest land and the Banasura Sagar Dam. The petitioners have thus lost a road access on account of the Kuttiady Augmentation Project. The necessity to have a motorable road to their property along the side of the dam is justifiable. The duty to construct the road is on the fourth respondent Panchayath.

2. The Panchayath expresses its helplessness due to paucity of funds. It is for the Government to make necessary budgetary allocation in that regard. The Panchayath shall take a decision as regards the desirability to have a road. Such decision in the form of a resolution shall be taken within a period of two months.

3. The resolution if any taken shall be forwarded to the District Collector, Wayanad. The District Collector shall

take up the issue with the Government without delay. The property of the petitioners should not be allowed to go waste without road access.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS