

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WP(C).No. 22260 of 2015 (F)

PETITIONERS:

1. RATNAMMA, AGED 49 YEARS
W/O. AYYAPPAN, PALLIPARAMBIL HOUSE, KONUR
NALUKETTU PO, PIN 680 308
2. SOPHY FRANCIS
W/O. FRANCIS, VAKKAN HOUSE, KORATTY PO
SOUTH ANGADI, THRISSUR DISTRICT.

BY ADV. SRI. M. VANANDAN

RESPONDENT(S):

1. GOVERNMENT OF KERALA
REPRESENTED BY ITS SECRETARY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE DISTRICT COLLECTOR,
CIVIL STATION, THRISSUR 680 003
3. TAHSILDAR
TALUK OFFICE, CHALAKUDY, IRINJALAKUDA
THRISSUR 680 121
4. VILLAGE OFFICER, MURINGOOR,
THEKKUMMURI VILLAGE, THRISSUR DISTRICT
PIN - 680 312
5. AUGUSTINE JOSE,
PAYYAPPILLI HOUSE, MANGALASSERI, KORATTY SOUTH PO
THRISSUR DISTRICT PIN - 680 306
6. K.K. PAUL (PAUL KOKKATT)
KOKKATT HOUSE, KALLETUMKARA
THRISSUR DISTRICT 680 683
7. KORATTY GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY KORATTY PO
THRISSUR DISTRICT, PIN 680 306

ADDL.R8:

THE REVENUE DIVISIONAL OFFICER,
THRISSUR.

(SUO MOTO IMPEADED AS PER JUDGMENT DATED 27.10.2015 IN W.P.(C)No.22260/15)

R7 BY ADV. SRI. PHILIP T. VARGHESE, SC, KORATTY GRAMA PANCHAYATH
R5 & 6 BY ADV. SRI. SHEEJO CHACKO
R1 TO R4 & ADDL.R8 BY GOVERNMENT PLEADER SRI REJI JOSEPH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 22260 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF THE MEMORANDUM OF WRIT PETITION NO. 12253 /2015
WITH EXHIBITS.
P2 : TRUE COPY OF THE JUDGMENT DATED 10-4-2015 IN WPC.NO 12253/2015
P3 : TRUE COPY OF THE NOTICE DT.29-5-2015 ISSUED BY THE 3RD
RESPONDENT TO THE 1ST PETITIONER.
P4 : TRUE COPY OF THE ORDER DATED 24-6-2015 PASSED BY THE 3RD
RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.S.TO JUDGE

dsn

ANIL K.NARENDRA, J

W.P.(C.)No.22260 Of 2015

DATED THIS THE 27th DAY OF OCTOBER, 2015

JUDGMENT

The petitioners have filed this Writ Petition seeking a writ of mandamus commanding respondents 1 to 4 to remove the encroachments alleged to have been made by respondents 5 and 6 in the 'puramboke' land comprised in Survey No.699/1 of Muringoor-Thekkummuri Village and demolish the building therein bearing Nos. 782 and 799 as per Ext.P4 order within a time frame that may be fixed by this Court.

2. Today when the case was taken up for consideration, the learned counsel for respondents 5 and 6 pointed out that against Ext.P4 order passed by the Tahsildar, Chalakudy, the 3rd respondent herein, respondents 5 and 6 have filed appeals before the Revenue Divisional Officer, Thrissur and the same are still pending consideration. The learned counsel would also submit that the appeal filed by the 5th respondent has already been posted before the Revenue Divisional Officer and the appeal filed by the 6th respondent is yet to be posted for consideration.

3. The learned counsel for the petitioner would point out that the appeals filed by respondents 5 and 6 pending before the Revenue Divisional Officer now stand posted to 16.12.2015. Therefore, this Writ Petition can be disposed of directing the Revenue Divisional Officer to consider and pass appropriate orders on the appeals filed by respondents 5 and 6 in an expeditious manner.

4. Considering the nature of the relief proposed to be granted, the Revenue Divisional Officer, Thrissur is suo moto impleaded as additional 8th respondent in the Writ Petition. Learned Government Pleader takes notice for the additional 8th respondent. Service complete.

5. Registry to carry out necessary amendment in the cause title.

6. I heard arguments of the learned counsel for the petitioner, the learned Government Pleader appearing for respondents 1 to 4 and 8, the learned counsel appearing for respondents 5 and 6 and also the learned Standing Counsel for the 7th respondent.

7. It is seeking implementation of Ext.P4 order, the petitioners have filed this Writ Petition. However, the appeals filed by respondents 5 and 6 against Ext.P4 order is now pending consideration before the Revenue Divisional Officer, Thrissur, the additional 8th respondent. In that view of the matter, this Court will not be justified at this point of time in ordering implementation of Ext.P4 order, which is already under challenge in appeals filed before the Appellate Authority.

8. In the result, without going into the merits of the rival contentions, this Writ Petition is disposed of with the following directions:

The petitioners and respondents 5 and 6 shall appear before the additional 8th respondent on 16.12.2015 and the said respondent shall post the appeals filed by respondents 5 and 6 against Ext.P4 order to a convenient date and thereafter finally dispose of those appeals, as expeditiously as possible at any rate within a period of three months from 16.12.2015.

It would be open to the petitioners and respondents 5 and 6 to produce additional materials, if any, before the additional 8th

respondent and the said respondent shall pass a reasoned order after considering the contentions raised by both sides.

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn

//True copy

P.S. to Judge//