

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 22404 of 2015 (A)

PETITIONER(S) :

**K.K.STEPHEN, AGED 61 YEARS,
S/O.K.V.KURUAKOSE, B-5, VESTA ENCLAVE,
ST.BENEDICT ROAD, ERNAKULAM NORTH, KOCHI-18.**

**BY ADVS.SRI.K.S.BABU
SMT.N.SUDHA
SRI.BABU SHANKAR
SRI.K.V.WINSTON
SRI.VIPIN VISWAN**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**
- 2. GREATER COCHIN DEVELOPMENT AUTHORITY,
REPRESENTED BY ITS SECRETARY, KADAVANTHRA,
COCHIN- 682 020.**
- 3. SECRETARY,
GREATER COCHIN DEVELOPMENT AUTHORITY, KADAVANTRA,
COCHIN- 682 020.**

**R1 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR
R2-R3 BY ADV. SRI.K.K.ANAND, SC, G.C.D.A.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: THE TRUE PHOTOSTAT COPY OF THE SETTLEMENT DEED NO.5286/2004 DATED 10/09/2004 OF THE SUB REGISTRY OFFICE, ERNAKULAM.**
- P2: THE TRUE PHOTOSTAT COPY OF THE REPRESENTATION DATED 25/01/2010 MADE BY THE PETITIONER TO THE 3RD RESPONDENT.**
- P3: THE TRUE PHOTOSTAT COPY OF THE LETTER DATED 11/06/2010 ISSUED BY THE ADDITIONAL TAHSILDAR, TALUK OFFICE, KANAYANNUR TO 3RD RESPONDENT.**
- P4: THE TRUE PHOTOSTAT COPY OF THE SURVEY SKETCH SUBMITTED BY THE TALUK SURVEYOR, TALUK OFFICE, KANAYANNUR TO THE TAHSILDAR, TALUK OFFICE, KANAYANNUR.**
- P5: THE TRUE PHOTOSTAT COPY OF THE LETTER DATED 13/09/2010 ISSUED BY THE SENIOR TOWN PLANNER ON BEHALF OF THE 3RD RESPONDENT TO THE PETITIONER.**
- P6: THE TRUE PHOTOSTAT COPY OF THE LETTER DATED 01/11/2010 ISSUED BY THE 3RD RESPONDENT TO THE DISTRICT COLLECTOR, ERNAKULAM.**
- P7: THE TRUE PHOTOSTAT COPY OF THE LETTER DATED 27/09/2012 ISSUED BY THE DISTRICT COLLECTOR TO THE 3RD RESPONDENT ALONG WITH CERTIFICATE DATED 27/09/2012 FIXING THE FAIR VALUE OF THE LAND IN SY NO.1034/3 AND 1034/4 OF ERNAKULAM VILLAGE.**
- P8: THE TRUE PHOTOSTAT COPY OF THE LETTER DATED 27/07/2013 ISSUED BY THE 3RD RESPONDENT TO THE TAHSILDAR, TALUK OFFICE, KANAYANNUR, ERNAKULAM.**
- P9: THE TRUE PHOTOSTAT COPY OF THE REPORT SUBMITTED BY THE ADDITIONAL TAHSILDAR TO THE 3RD RESPONDENT ALONG WITH THE SURVEY SKETCH PREPARED BY THE TALUK SURVEYOR.**
- P10: THE TRUE PHOTOSTAT COPY OF THE LETTER DATED 27/10/2014 SENT BY THE PETITIONER TO THE 3RD RESPONDENT**
- P10(A):THE TRUE PHOTOSTAT COPY OF THE RECEIPT OF ACKNOWLEDGMENT OF THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS : **NIL**

//TRUE COPY//

P.S.TO JUDGE

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.22404/2015**

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Dated this the 4th Day of November, 2015

J U D G M E N T

The petitioner, alleging encroachment by the second respondent-Greater Cochin Development Authority (GCDA) has approached the revenue officials. The revenue officials found that there is an encroachment by the GCDA. The petitioner refers to the reports of the Taluk Surveyor referred in Exhibits P3 and P9 of the Additional Tahsildar. The petitioner has approached this Court for a direction to respondents 2 and 3 to consider Exhibit P10 representation.

2. In the light of the above, appropriate action shall be taken by the GCDA on Exhibit P10 without delay, at any rate, within a period of two months from the date of receipt of a copy of this Judgment after advertng to Exhibits P3 and P9 .

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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