

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

WP(C).No. 25780 of 2013 (V)

PETITIONER:

**MARY GRACE,
D/O.LATE VIRONI PAPPACHAN,
OLIPARAMBIL HOUSE
VALAPPU VETTUVA COLONY,
ELAMKUNNAPUZHA VILLAGE
ERNAKULAM.**

BY ADV. SRI.S.VASUDEVAN

RESPONDENTS:

- 1. ELAMKUNNAPUZHA GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, PANCHAYAT OFFICE
ELAMKUNNAPUZHA, MALIPURAM P.O.,
ERNAKULAM
PIN: 682 511.**
- 2. THE DISTRICT MEDICAL OFFICER,
HEALTH DEPARTMENT,
GENERAL HOSPITAL,
ERNAKULAM - 682 011**
- 3. THE HEALTH INSPECTOR,
PRIMARY HEALTH CENTRE,
MALIPPURAM - 682 511**
- 4. MATHEW,
S/O.THOMAS, KURUPPASSERY, ELAMKUNNAPPUZHA
PUTHUVYPE P.O., ERNAKULAM - 682 508.**

R1 BY ADVS. SRI.SAJAN MANNALI

SMT.VN.SHASHIKALA

R2 & R3 BY SR.GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN

R4 BY ADV.SRI.R.RAJESH KORMATH

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

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1(a): TRUE COPY OF THE PHOTOGRAPHS OF THE PROPERTY**
- EXT.P1(b): TRUE COPY OF THE PHOTOGRAPHS OF THE PROPERTY**
- EXT.P1(c): TRUE COPY OF THE PHOTOGRAPHS OF THE PROPERTY**
- EXT.P2: TRUE COPY OF THE COMPLAINT DATED 22/6/2013.**
- EXT.P3: TRUE COPY OF THE COMPLAINT TO 3RD RESPONDENT DATED 28/6/2013.**
- EXT.P4: TRUE COPY OF THE NOTICE ISSUED BY 1ST RESPONDENT DATED 5/7/2013.**
- EXT.P5: TRUE COPY OF THE ORDER DATED 23/7/2013.**
- EXT.P6: TRUE COPY OF THE COMPLAINT DATED 29/7/2013.**
- EXT.P7: TRUE COPY OF THE COMPLAINT TO 1ST RESPONDENT DATED 3/8/2013.**
- EXT.P8: TRUE COPY OF THE COMPLAINT TO 2ND RESPONDENT DATED 15/9/2013.**
- EXT.P9: A TRUE PHOTOCOPY OF THE PROCEEDINGS NO. D/1731/2014/L.D. IS DATED 11.6.2015 ISSUED BY THE SUB COLLECTOR, FOR KOCHI**
- EXT. P10: A TRUE PHOTOCOPY OF THE RESOLUTION NO. 10(6) DATED 22.08.2015 OF ELAMKUNNAPPUZHA GRAMA PANCHAYATH**

RESPONDENT(S)' EXHIBITS:-

- EXT. R4(a) TRUE COPY OF DOCUMENT NO. 2938 OF 2012 OF SUB REGISTRAR'S OFFICE, NJARAKKAL DATED 11.12.2012**
- EXT. R4(b) TRUE COPY OF DOCUMENT NO. 2939 OF 2012 OF SUB REGISTRAR'S OFFICE, NJARAKKAL DATED 11.12.2012**

EXT. R4(c): TRUE COPY OF DOCUMENT NO. 2940 OF 2012 OF SUB REGISTRAR'S OFFICE, NJARAKKAL DATED 11.12.2012

EXT. R4(d): TRUE COPY OF REPRESENTATION DATED 25.07.2013 PREFERRED BEFORE THE SECRETARY OF THE FIRST-RESPONDENT-PANCHAYATH

EXT. R4(e): TRUE COPY OF THE MINUTES DATED 31.07.2013 OF THE FIRST-RESPONDENT-PANCHAYATH

EXT. R4(f): TRUE COPY OF THE MINUTES DATED 25.08.2014 OF THE FIRST RESPONDENT-PANCHAYATH

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 25780 OF 2013

Dated this the 11th day of November, 2015

JUDGMENT

It is reported that the first respondent has passed Ext.P10 resolution deciding to construct a canal utilising LNG Fund. It is stated that the canal is proposed to be dug along the northern side of the property of the petitioner leading to the public road on the northern side. It is further stated that the canal would end on the public thodu on the eastern side. The fourth respondent has no objection to this course provided the canal does not flow through the property covered by Exts. R4(a), (b) and (c) deeds. The first respondent Panchayat is permitted to construct the canal without affecting the property aforementioned. The construction shall be completed within a period of two months to prevent water logging in the area.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS