

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(C).No. 23193 of 2015 (Y)

PETITIONER(S):

1. SELVAN,
KODIMEL PUTHEN VEEDU, KANJIRODU, KUNDARA,
KOLLAM.
2. SHARLET,
VADAKKEVILA KIZHAKKETHIL, MATHRUKA NAGAR 73,
ULIYAKOVIL, KOLLAM.
3. SAJIMON,
KATTUMPURATHU VEEDU, PEROOR, TKMC P.O.,
KARIKODU, KOLLAM

BY ADVS.SRI.M.K.CHANDRA MOHANDAS
SMT.K.K.RAZIA
SRI.K.SATHIYANANDAN PILLAY
SRI.SHAKTHI PRAKASH
SRI.PRATHEEK VISWANATHAN

RESPONDENT(S):

1. SOUTHERN RAILWAY,
REPRESENTED BY ITS GENERAL MANAGER,
OFFICE OF THE GENERAL MANAGER, 1ST FLOOR,
NGO MAIN BUILDING, SOUTHERN RAILWAY, PARK TOWN,
CHENNAI-600 003.
2. THE ESTATE OFFICER,
DIVISIONAL OFFICE, SOUTHERN RAILWAY, WORKS BRANCH,
MADURAI-625 016.
3. SENIOR DIVISIONAL ENGINEER,
SOUTH, SOUTHERN RAILWAY, MADURAI DIVISIONAL OFFICE,
MADURAI-625 016.

BY ADV. SRI.C.S.DIAS, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 23193 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1- SHOW CAUSE NOTICE NO.U/W.274/ADEN/SCT DATED 16.4.2015.

EXT.P2- SHOW CAUSE NOTICE NO.U/W.274/ADEN/SCT DATED 16.4.2015.

EXT.P1- SHOW CAUSE NOTICE NO.U/W.274/ADEN/SCT DATED 16.4.2015.

EXT.P4- ACOPY OF THE POSTAL REMARK EVIDENCING THE REFUSAL TO ACCEPT
THE OBJECTIONS OF THE PETITIONERS.

EXT.P5- ACOPY OF THE COMMON JUDGMENT DATED 14.7.2015.

EXT.P6- ACOPY OF THE OBJECTION DATED 23.7.15 FILED BY THE IST PETITIONER.

EXT.P7- ACOPY OF THE OBJECTION DATED 29.7.15 FILED BY THE 2ND PETITIONER.

EXT.P8- ACOPY OF THE OBJECTION DATED 23.7.15 FILED BY THE 3RD PETITIONER.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Ms^v/

K. VINOD CHANDRAN, J

W.P(C) No.23193 of 2015

Dated this the 07th day of August, 2015

J U D G M E N T

The petitioners are petty traders allegedly occupying the Railway's premises. The petitioners were issued with show cause notices under Public Premises (Eviction of Unauthorized Occupants) Act, 1971, which are produced as Exts.P1 to P3. The petitioners are aggrieved by the fact that the 2nd respondent, who has to consider the objections has not accepted the objections, despite the petitioners having sent it by registered post. In fact the learned Standing Counsel appearing for the respondent would submit that no such objections were received.

2. In any event since the eviction is only at the show cause notice stage, it is only proper that the Estate Officer, the 2nd respondent consider the objections. The petitioners also should be afforded an opportunity for hearing and in the circumstances of the petitioners being petty traders, it is only proper that the Estate

Officer holds a sitting for hearing, at any of the Southern Railway offices at Kollam.

3. In such circumstance, the petitioners shall file their objections before the 2nd respondent through the 3rd respondent within two weeks from today. Specifically the objections shall be sent by registered post, with due acknowledgment, to the Senior Divisional Engineer. The 3rd respondent shall hand over the objections to the 2nd respondent. The 2nd respondent being a Touring Officer shall intimate a date of hearing to each of the petitioners by notice specifying the venue at Kollam. The petitioners shall appear for such hearing and the Estate Officer after affording an opportunity of hearing, pass orders on the show cause notices. It is made clear that the petitioners shall be continued till such orders are passed and subject to the provisions of the Act.

The writ petitions are disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge