

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 27148 of 2012 (P)

PETITIONER(S):

PADMAKUMAR, AGED 67 YEARS,
S/O.KOCHUPAPPU, PADMAVILASAM, KARICKAL MURI,
PAVITHRESWARAM VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.K.VANIL KUMAR

RESPONDENT(S):

1. THE DISTRICT COLLECTOR,
COLLECTORATE, KOLLAM. 691 001.
2. THE THAHSILDAR,
TALUK OFFICE, KOTTARAKKARA, THRIKKANNAMANGAL (P.O)
KOTTARAKKARA. 691 531.
3. THE VILLAGE OFFICER
PUTHOOR VILLAGE OFFICE, PUTHOOR (P.O)
KOLLAM DISTRICT. 691 507.
4. PAVITHRESWARAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, PANCHAYATH OFFICE,
PANGODU, KARIMPINPUZHA (P.O), PUTHOOR (VIA),
KOTTARAKARA, KOLLAM DISTRICT - 691 507.
5. SASIDHARAN PILLAI,
SUDHEESH BHAVANAM, KARICKAL MURI,
PAVITHRESWARAM VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT - 691 506.

R1-R3 BY SENIOR GOVERNMENT PLEADER SRI.R.PADMARAJ

R4 BY ADV. SRI.SYAM J SAM

R5 BY ADV. SRI.B.MOHANLAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 27148 of 2012 (P)

APPENDIX

PETITIONER(S)' EXHIBITS:

**P1- A TRUE COPY OF THE DECISION OF THE PANCHAYATH COMMITTEE
DATED 09.05.2011 ISSUED BY THE 4TH RESPONDENT.**

**P2- A TRUE COPY OF THE LETTER DATED 26.05.2011 SENT TO THE
2ND RESPONDENT.**

P3- A TRUE COPY OF THE REPORT OF THE 3RD RESPONDENT DATED 21.07.2011.

**P4- A TRUE COPY OF THE COMPLAINT DATED 12.03.2012 BEFORE THE
4TH RESPONDENT.**

P5- A TRUE COPY OF THE REPRESENTATION DATED 29.10.2012.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

A.M. SHAFFIQUE, J.

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W.P. (C) No. 27148 of 2012

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Dated this, the 29th day of October, 2015

J U D G M E N T

This writ petition is filed *inter alia* seeking for a direction to the 2nd respondent to survey the Panchayat road in Sy.Nos.219/1 and 220/1 in Block No.1 of Puthoor Village and to remove the obstruction allegedly caused by the 5th respondent. Petitioner also seeks a writ of mandamus directing the 4th respondent to take action on Ext.P5 representation.

2. The averments as disclosed in the writ petition would show that the petitioner is aggrieved by the illegal construction allegedly made by the 5th respondent by encroaching into a portion of the Panchayat road.

3. Counter affidavit has been filed by the 5th respondent disputing the aforesaid facts. According to the 5th respondent, he has not encroached into the pathway.

4. Facts being so, it is apparent that the dispute involved between the petitioner and the 5th respondent is a civil dispute, which cannot be adjudicated by this Court in a petition filed under

W.P(C) No.27148/12

-:2:-

Article 226 of the Constitution of India.

In the result, there being no merits in the writ petition, the same is dismissed.

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp
30/10/2015

//True Copy//

P.S to Judge