

IN THE HIGH COURT OF KERALAAT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

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

WP(C).No. 23501 of 2015 (K)

PETITIONER:

MOHANDAS, AGED 55 YEARS
S/O.NARAYANAN, RESIDING AT METHAMCODE, PLACHIKKADU
VANDAZHY P.O, PALAKKAD DISTRICT.

BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU

RESPONDENT(S):

1. THE TALUK SURVEYOR
ALATHUR TALUK, PALAKKAD 678 541.
2. THE TAHSILDAR
TALUK OFFICE, ALATHUR, PALAKKAD 678 541.
3. VANDAZHY GRAMA PANCHAYATH
REPRESENTED BY THE SECRETARY, VANDAZHY P.O
PALAKKAD 678 706.

R1 & R2 BY GOVERNMENT PLEADER SRI P.P.PADMALAYAN
R3 BY ADV. SRI.P.RAVINDRA NATH
R3 BY ADV. SRI.IMAM GRIGORIOS KARAT
ADV. SRI.BABY MATHEW

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

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 24.10.11.
- EXHIBIT P2. COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 13.8.14.
- EXHIBIT P3. COPY OF THE COMMUNICATION BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT DATED 25.11.14.
- EXHIBIT P4. COPY OF THE LETTER ADDRESSED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT DATED 6.7.15.

RESPONDENT(S)' EXHIBITS: NIL

True copy

P.S.to Judge

dsn

ANIL K.NARENDRA, J

W.P.(C.)No.23501 Of 2015

DATED THIS THE 27th DAY OF OCTOBER, 2015

JUDGMENT

The petitioner, along with one Kaladharan, is stated to be the owner in possession of a parcel of land comprising of 1½ cents situated in R.S.No.477/3 of Vandazhy Village in Palakkad district. The petitioner is also in possession of another extent 9 cents. He has filed this Writ Petition seeking a writ of mandamus commanding the 2nd respondent to consider on merit Exts.P1 and P2 representations as expeditiously as possible, after affording him an opportunity of being heard. The petitioner has also sought for a writ of mandamus commanding the 3rd respondent to forward the NOC to respondents 1 and 2 forthwith in the light of Exts.P3 and P4, so as to enable the said respondents to carry out corrections in the BTR.

2. A counter affidavit has been filed on behalf of the 3rd respondent contending that the said respondent has already addressed a letter dated 11.8.2015 refusing to grant NOC in terms of the decision of the Panchayat dated 28.7.2015. It is also pointed

out that the Panchayat has already responded to the notice dated 27.3.2015 issued on behalf of the petitioner, vide its letter dated 25.4.2015 and as such the third prayer sought for in the Writ Petition will not survive.

3. Heard arguments of the learned counsel for the petitioner, learned Government Pleader appearing for respondents 1 and 2 and also the learned Standing Counsel for the 3rd respondent Grama Panchayat.

4. During the course of arguments the learned counsel for the petitioner submitted that, the petitioner is confining the relief only for a disposal of Exts.P1 and P2 representations submitted before the 2nd respondent.

Considering the fact that Exts.P1 and P2 representations submitted by the petitioner are pending consideration before the 2nd respondent, this Writ Petition is disposed of, without going into the merits of the rival contentions made by the parties, by directing the 2nd respondent to consider and pass appropriate orders on Exts.P1 and P2 representations within a period of three months from the date of receipt of a certified copy of this

judgment. A decision in this regard shall be taken with notice to the petitioner and also to the 3rd respondent Grama Panchayat.

It is made clear that this Court has not expressed anything on the merits of the claim made by the petitioner in Exts.P1 and P2 and it is for the 2nd respondent to take an appropriate decision thereon, strictly in accordance with law.

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn

True copy

P.S. To Judge