

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 23641 of 2015 (E)

PETITIONER:

**M.C.JOY, S/O. CHACKO,
RESIDING AT DOOR NO.14/1523
MADATHIPARAMBIL, CHULLIKKAL,
KOCHI, PIN-682 005.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

- 1. CORPORATION OF COCHIN, ERNAKULAM,
REPRESENTED BY ITS SECRETARY, PIN-682 011.**
- 2. ASSISTANT EXECUTIVE ENGINEER (PWD),
ROADS WING, MATTANCHERRY-682 002.**
- 3. DIRECTOR OF VIGILANCE AND ANTI-CORRUPTION BUREAU,
THIRUVANANTHAPURAM, VAZHUTHACAUD
THIRUVANANTHAPURAM-695 001.**
- 4. THE DISTRICT COLLECTOR
CIVIL STATION, ERNAKULAM-682 030.**
- 5. K.K.RAVINDRANATHAN, PANDIKUDY,
STATUE ROAD, KOCHI-682 003.**

**R1 BY SRI.P.K.SOYUZ,SC
SRI.K.ANAND, SC
R2 TO R4 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : TRUE COPY OF THE COMMUNICATION DTD.18.3.2011 ADDRESSED TO THE SECRETARY, COCHIN CORPORATION BY THE ASSISTANT EXECUTIVE ENGINEER, PWD SUB DIVISION, MATTANCHERRY.
- P2 : TRUE COPY OF THE REPRESENTATION DTD.26.6.2008 SENT BY THE PRESIDENT M/S. SREE BUDHA CULTURAL CENTRE NAZERATH, COCHIN.
- P3 : TRUE COPY OF THE OFFICE ENDORSEMENT MADE ON 13.11.2007 BY DEPUTY MAYOR OF COCHIN CORPORATION.
- P4 : TRUE COPY OF THE COMMUNICATION DTD.15.1.2013 ISSUED BY THE EXECUTIVE ENGINEER, PWD BUILDINGS DIVISION, ERNAKULAM ADDRESSED TO THE 2ND RESPONDENT.
- P5 : TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT IN WPC NO.2400/2013 DTD.28.1.2013.
- P6 : TRUE COPY OF THE NOTICE DTD.30.8.2013 ISSUED BY THE 3RD RESPONDENT SOCIETY INVITING FOR THE ENSUING ONAM FESTIVAL SCHEDULED TO BE HELD ON 18.9.2013.
- P7 : TRUE COPY OF THE REPRESENTATION DTD.2.9.2013 MADE BY THE PETITIONER ADDRESSED TO THE 1ST RESPONDENT.
- P8 : TRUE COPY OF THE REPRESENTATION DTD.2.9.2013 MADE BY THE PETITIONER ADDRESSED TO THE 2ND RESPONDENT.
- P9 : TRUE COPY OF THE JUDGMENT MADE IN WPC NO.23473/2013 DTD.25.9.2013.
- P10 : TRUE COPY OF THE COMPLAINT DTD.25.4.2014 SUBMITTED BEFORE THE 3RD RESPONDENT WITH COPY MARKED TO THE 4TH RESPONDENT.
- P11 : TRUE COPY OF THE CIRCULAR DTD.26.7.2002 ISSUED BY THE DISTRICT COLLECTOR, ERNAKULAM.

RESPONDENTS' ANNEXURES: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23641 of 2015

Dated this the 5th day of August, 2015.

JUDGMENT

Aggrieved by the delay in considering Ext.P10 complaint filed by the petitioner before the third respondent and also aggrieved by the unauthorised occupation of Puramboke land belonging to the Cochin Corporation by the fifth respondent, the petitioner has come up before this Court.

2. The petitioner is a resident of Division No.14 of Cochin Corporation (Chullikkal). The petitioner alleges that he and others have objected the allotment of Road puramboke to the fifth respondent extending to 23 cents in a prime locality in west Kochi. According to the petitioner, it was a pre-planned move by a group of vested interesteds persons styling themselves as social workers. The building in question has been constructed by the PWD at Mattanchery and thereafter it was handed over to the Kochi Corporation to be allotted to the fifth respondent vide communication dated 18.3.2011 issued

by the Assistant Executive Engineer, Building Section Mattanchery. The petitioner further alleges that respondent corporation had attempted to entrust the construction work of the compound wall for the property situated in 23 cents of puramboke land in which the building was constructed to the fifth respondent vide decision taken on 12.12.2012. The said decision was challenged in W.P.(C) No.2400/2013 wherein the decision dated 11.12.2012 of the respondent corporation in item No.66 is stayed by way of an interim order. In this context, the petitioner had addressed the 1st and 2nd respondents to take over immediate possession of the building in question to the custody of the respondent corporation or to the PWD. However, no action was taken on Ext.P7 and P8 representations filed by the petitioner and hence he had filed WP.(C) No.23173/2013 which was disposed of directing the first respondent to consider the grievances highlighted by the petitioner and to pass orders after hearing the petitioner as well as the fifth respondent herein. The said direction has not

been complied with so far even after a lapse of nearly two years and hence the petitioner had preferred Ext.P10 complaint before the first respondent, which is not considered so far; it is alleged.

3. I have heard the learned counsel for the petitioner, the learned Senior Government Pleader and the learned standing counsel for the respondent corporation in the matter.

4. As the learned counsel for the petitioner confined his arguments to the limited prayer for a direction to the first respondent to consider Ext.P10, this court is of the view that the writ petition can be disposed of even without issuing notice to the fifth respondent.

Therefore, the writ petition is disposed of directing the first respondent to consider and pass appropriate orders on Ext.P10 representation, after affording the petitioner and the fifth respondent, an opportunity of being heard, within a period of two months from the date of receipt of a copy of this judgment.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the first respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.