

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE SMT. JUSTICE P.V.ASHA**

**THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937**

**WP(C).No. 27575 of 2012 (V)**  
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**PETITIONER(S):**  
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**GIREESH BABU, AGED 45 YEARS  
S/O.KUNHIRAMAN, SCHOOL TEACHER  
RESIDING AT MANAPURATH, IRINGAL AMSOM DESOM  
POST IRINGAL, KOYILANDY TALUK, KOZHIKODE DISTRICT  
KERALA STATE - 673521.**

**BY ADVS.SRI.B.KRISHNAN  
SRI.R.PARTHASARATHY**

**RESPONDENT(S):**  
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- 1. THE DISTRICT COLLECTOR & CHAIRMAN,  
DISTRICT TOURISM PROMOTION COUNCIL  
KOZHIKODE-673001.**
- 2. THE STATE OF KERALA - WITH ADDRESS FOR SERVICE -  
SECRETARY (TOURISM), SECRETARIAT  
THIRUVANANTHAPURAM-695001.**
- 3. THE CHIEF EXECUTIVE OFFICER  
IRINGAL CRAFT VILLAGE, POST IRINGAL, KOYILANDY TALUK  
KOZHIKODE DISTRICT - 673521.**
- 4. THE SECRETARY  
PAYYOLI GRAMA PANCHAYATH, POST MELADY - 673522.**
- 5. THE PAYYOLI GRAMA PANCHAYATH  
WITH ADDRESS FOR SERVICE - THE SECRETARY  
PAYYOLI GRAMA PANCHAYATH, POST MELADY - 673522.**

**R3 BY ADV. SRI.M.SASINDRAN  
R4-R5 BY ADV. SRI.C.VATHSALAN  
R4-R5 BY ADV. SRI.GHOSH YOHANNAN  
R4-R5 BY ADV. SRI.K.RAKESH ROSHAN  
R4-R5 BY ADV. SMT.THUSHARA.V  
R1-R2 BY SPECIAL GOVERNMENT PLEADER SRI.A.K.JOHN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18-06-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**PETITIONER(S) EXHIBITS**

- EXT.P1: TRUE COPY OF THE NOTIFICATION UNDER SECTION 4 OF THE LAND ACQUISITION ACT.
- EXT.P2: TRUE COPY OF A THUMBNAIL SKETCH SUPERSCRIBING THE RESIDENT OF THE WRIT PETITIONER AS ONE AND THE LOCATION OF THE IRINGAL CRAFT VILLAGE.
- EXT.P3: TRUE COPY OF THE PROPERTY TAX ISSUED TO THE WRIT PETITIONER BY THE 4TH RESPONDENT.
- EXT.P4: TRUE COPY OF THE BASIC TAX RECEIPT FOR THE RESIDENTIAL PROPERTY OF THE PETITIONER ISSUED BY VO IRINGAL.
- EXT.P5 TRUE COPY OF THE FIELD PLAN OF THE PROPERTY ACQUIRED FOR THE IRINGAL CRAFT VILLAGE.
- EXT.P6 TRUE COPY OF THE PROCEEDINGS OF 4TH RESPONDENT DATED 31/12/2011.
- EXT.P7 TRUE COPY OF THE RESOLUTION OF THE 5TH RESPONDENT DATED 28/12/2011.
- EXT.P8 TRUE COPY OF THE LETTER OF THE 3RD RESPONDENT DATED 1/1/2012.
- EXT.P9 TRUE COPY OF THE NEWS CLIP IN THE MALAYALA MANORAMA DAILY DATED 16TH JUNE 2011.
- EXT.P10 TRUE COPY OF THE REQUEST OF THE WRIT PETITIONER AND OTHERS TO THE 5TH RESPONDENT.
- EXT.P11 TRUE COPY OF THE REQUEST BY THE WRIT PETITIONER AND OTHERS BEFORE CLOSURE OF THE POTHUVAZHI TO THE FIRST RESPONDENT.
- EXT.R12: COPY OF THE NEWS CLIP IN THE KERALA KAUMUDI DAILY DATED 28TH DECEMBER 2011

**RESPONDENTS' EXHIBITS**

- EXT.R1(A):COPY OF THE ORDER NO.9940/SBR/G/2011 DATED 07.12.2011
- EXT.R3(A):COPY OF THE SKETCH OF THE PROPERTY
- EXT.R3(B):COPY OF THE PHOTOGRAPHS OF THE CRAFT VILLAGE

/TRUE COPY/

SKV

PA. TO JUDGE

P.V.ASHA, J.

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W.P.(C). No.27575 OF 2012

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Dated this the 18<sup>th</sup> day of June, 2015

JUDGMENT

The petitioner who is residing very near to Iringal Craft Village, run by the 3<sup>rd</sup> respondent, is aggrieved by the closing of the path way at the instance of respondents 1 and 3, whereby the petitioner himself as well as the people of the locality are put to very serious inconvenience. With the support of Ext.P2 sketch, petitioner submits that there was a path way called 'Puzhayoramvazhi', which was being used by the local people for the ingress and egress to their residential buildings from time immemorial, along the northern side of the property acquired as per Ext. P1 notification dated 13.12.1999. Subsequent to the acquisition of the property the Craft Village is run there by the 2<sup>nd</sup> respondent.

2. It is submitted that even after the establishment of the Iringal Craft Village the people used to walk along with the said path way. But on account of some isolated

incidents the pathway is closed since 21.10.2011 and gates were installed on both sides preventing access to the local people, at the instance of the 1<sup>st</sup> respondent.

3. The petitioner has produced Ext.P10 representation submitted to the President of the Panchayat and Ext.P11 representation submitted before the 1<sup>st</sup> respondent District Collector, which is signed by a large number of people of the locality explaining the difficulties caused on account of the closure of the pathway and requesting for restoration of the same. Similarly they approached the Payyoli Grama Panchayath also. The Grama Panchayath considered the issue in their meeting convened on 28.12.2011 and resolved that the Panchayath will request the authorities of the Craft Village to restore the path way. Accordingly by Ext.P6 letter dated 31.12.2011, the Secretary of the Grama Panchayath addressed the Chief Executive Officer, Iringal Craft Village – 3<sup>rd</sup> respondent requesting for restoration of the pathway within 3 days. In answer to that request, the Chief Executive Officer by Ext.P8 letter informed the Secretary of the Grama Panchayath that

they are only entrusted to run the Craft Village and the ownership of the property vests with the Government of Kerala. The Secretary was instructed to approach the Government of Kerala, in that matter.

4. The Government as well as the 3<sup>rd</sup> respondent filed separate counter affidavits opposing the reliefs sought in the writ petition. According to them the pathway had to be closed on account of the untoward incidents occurred and on the basis of instructions issued by the Police officials. It is said that in the interest of the safety and security of the tourists visiting the craft village, which is a tourist spot, it is necessary to keep the village closed, and to protect them from antisocial elements. According to them the local people have other pathways available.

5. On the other hand the petitioner has filed a reply affidavit refuting the contentions raised in the counter affidavit. According to them, the pathway is not included in the property acquired. Moreover, the pathway vests in the Panchayath and therefore the same cannot be closed for the purpose of the Craft Village, contrary to the interest of the

people of the locality.

6. The question as to whether the pathway is acquired, or not is not clear from the contentions raised. At any rate a path way is vested in the Panchayath by virtue of Section 69 of the Panchayath Raj Act, 1994. Even otherwise if there is any inconvenience caused on account of the acquisition/establishment of Craft Village, the authorities have to see that the interest of local people as well as the tourists are protected. In case it is found necessary to have adequate safety measures, it is open to the authorities to provide sufficient security measures even while providing access to the local people. At any rate this is a matter to be considered by all concerned in a joint meeting and it is also necessary to arrive at a settlement in respect of the issue, amicably.

7. In the circumstances of the case there will be a direction to the 1<sup>st</sup> respondent to convene a meeting with notice to the Panchayath authorities as well as the representatives of the people in the locality including the 3<sup>rd</sup> respondent and the Police personnels to discuss the issue

relating to the pathway through the Craft Village and to make all earnest efforts to arrive at an amicable solution in the matter, at the earliest and to pass orders on the same within a period of 2 months from the date of receipt of a copy of this judgment.

Accordingly, this writ petition is disposed of.

Sd/-  
P.V.ASHA, JUDGE

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