

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 24624 of 2015 (C)

PETITIONER:

**NILA HOSPITAL (PVT) LTD.,
PATTAMBI, PALAKKAD DISTRICT,
REPRESENTED BY ITS CHAIRMAN, P.ALI, SON OF ALIKUTTY,
PALATHINGAL HOUSE, OLD COURT ROAD, PATTAMBI P.O.,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.SANTHEEP ANKARATH
SRI.ARUN MATHEW VADAKKAN**

RESPONDENTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY, REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE DISTRICT COLLECTOR,
PALAKKAD-678001.**
- 3. THE TALUK TAHSILDAR,
PATTAMBI TALUK, PALAKKAD DISTRICT-679303.**
- 4. THE VILLAGE OFFICER,
PATTAMBI-679303.**
- 5. PATTAMBI GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, PATTAMBI-679303.**

R1-4 BY GOVERNMENT PLEADER SRI.GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1- TRUE COPY OF THE ORDER NO. 72/2006/REVENUE DATED 3-3-2006 OF THE 1ST RESPONDENT.
- EXHIBIT P2- TRUE COPY OF THE REPORT AND SKETCH DATED 2-6-2010 OF THE ADDITIONAL TALUK SURVEYOR, PATTAMBI.
- EXHIBIT P3- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 15-3-2011.
- EXHIBIT P4- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 26-5-2014.
- EXHIBIT P5- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 27-5-2014.
- EXHIBIT P6- TRUE COPY OF THE REPORT AND SKETCH OF THE DISTRICT SURVEY SUPERINTENDENT DATED 24-4-2015.
- EXHIBIT P7- TRUE COPY OF THE NOTICE NO. LRG2-2011/19723/9 DATED 7-7-2015 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P8- TRUE COPY OF THE REPLY DATED 20-7-2015 SUBMITTED BY THE PETITIONER TO EXT. P7 NOTICE.
- EXHIBIT P9- TRUE COPY OF THE NOTICE NO. D1-2382/14 DATED 16-7-2015 OF THE THIRD RESPONDENT.
- EXHIBIT P10- TRUE COPY OF THE COVERING LETTER SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT DATED 25-7-2015.
- EXHIBIT P11- TRUE COPY OF THE COVERING LETTER SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT DATED 25-7-2015.
- EXHIBIT P12- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 6-8-2015.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.24624 of 2015

Dated this the 10th day of September, 2015.

J U D G M E N T

The petitioner, aggrieved by the action initiated to evict him, alleging encroachment upon the Government land, has approached this Court.

2. In fact, the land is in the possession of the petitioner based on the government order of granting lease and the period of which is expired.

3. The petitioner's case is that he has applied for assignment and pending consideration of the application, he shall not be evicted.

4. Exts.P4, P5 and P12 are the applications relating to assignment. This Court is of the view that, appropriate decision shall be taken on Exts.P4, P5 and P12 by the District Collector or any other competent authority within a period of 3 months. Till a final decision is taken on assignment, the eviction proceedings initiated against the

petitioner shall be deferred.

5. It is open for the official respondent to take action against the petitioner in case of any other encroachment other than the land in respect of which the petitioner has applied for assignment as per Ext.P5, after issuing necessary notice in accordance with law. It is also made clear that, if the application of assignment is rejected, the respondents are free to evict the petitioner in accordance with law.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge