

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 25205 of 2015 (A)

PETITIONERS:

1. C.S.PANKAJAKSHAN, AGED 65 YEARS,
S/O.LATE.C.K.SREEDHARAN, RESIDING AT
PONVELICHIRAYIL, C.K.SREEDHARAN ROAD,
PALLURUTHY, ERNAKULAM-682 006.
2. SYAM P.P., AGED 35 YEARS, S/O.C.S.PANKAJAKSHAN,
RESIDING AT PONVELICHIRAYIL, C.K.SREEDHARAN ROAD,
PALLURUTHY, ERNAKULAM-682 006.
3. SREENADH P.P., AGED 32 YEARS,
S/O.C.S.PANKAJAKSHAN, RESIDING AT
PONVELICHIRAYIL, C.K.SREEDHARAN ROAD,
PALLURUTHY, ERNAKULAM-682 006.

BY ADVS.SRI.SAIJU S.
SRI.P.H.RISHAD

RESPONDENTS:

1. THE KOCHI MUNICIPAL CORPORATION
REPRESENTED BY ITS SECRETARY,
ERNAKULAM - 682 011.
2. ASSISTANT EXECUTIVE ENGINEER
OFFICE OF THE KOCHI MUNICIPAL CORPORATION
SOUTHERN REGIONAL OFFICE, PALLURUTHY
ERNAKULAM - 682 006.

R1-R2 BY ADV. SRI.K.ANAND, SC, COCHIN CORPN.
BY SRI.P.K.SOYUZ,SC,COCHIN CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 25205 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 THE TRUE COPY OF THE PARTITION DEED DATED 14/1/2015 (102/2015 OF KOCHI, SRO,) EXECUTED AMONG THE PETITIONERS.
- EXT.P2 THE TRUE COPY OF THE NOTICE DATED 2/7/2015 ISSUED BY THE 2ND RESPONDENT AND SERVED N THE 1ST PETITIONER'S RESIDENCE ON 13/8/2015.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 25205 OF 2015

Dated this the 8th day of September, 2015

JUDGMENT

The grievance is that Ext.P2 notice directing the encroachment to be removed was not preceded by a hearing. Interest of justice would be met by treating Ext.P2 notice as one to show cause.

2. The petitioners are at liberty to file an objection to Ext.P2 notice within a period of one month. The first respondent within a month thereafter shall pass final orders on the objection after hearing the petitioners as well.

3. Any other person interested who has preferred a complaint shall also be put on notice and heard. The interim order in this writ petition shall continue till orders are passed by the first respondent as directed.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd