

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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937**

**WP(C).No. 25387 of 2015 (W)**  
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**PETITIONER :**  
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**ANTONY BERNAD  
AGED 68 YEARS, S/O BERNAD, JOLPAUL BHAVAN ICE PLANT  
NEENDAKARA VILLAGE, KARUNAGAPPALLY TALUK  
KOLLAM DISTRICT.**

**BY ADV. SRI.BIJU C. ABRAHAM**

**RESPONDENT(S) :**  
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- 1. THE NATIONAL HIGHWAY AUTHORITY OF INDIA  
REPRESENTED BY ITS SECRETARY  
95 & 6 SECTOR 10, DWARAKA, NEW DELHI 110 075.**
- 2. THE EXECUTIVE ENGINEER  
NH DIVISION, BEACH ROAD, KOLLAM -691 582.**
- 3. THE ASSISTANT ENGINEER  
NH SUB DIVISION, ASRAMAM ROAD, KOLLAM.**
- 4. THE DISTRICT COLLECTOR  
KOLLAM DISTRICT, COLLECTORATE,  
KOLLAM-691 001.**
- 5. THE FOOD & SAFETY COMMISSIONER,  
OFFICE OF THE DISTRICT FOOD INSPECTOR  
TB HOSPITAL BUILDING, KOLLAM - 691 581.**
- 6. NEENDAKARA PANCHAYAT  
NEENDAKARA P.O.,  
KOLLAM - 691 582, KOLLAM  
REPRRESENTED BY ITS SECRETARY**
- 7. VILLAGE OFFICER  
NEEDAKARA VILLAGE, KOLLAM -691 582.**

8. RAGHU @ RAGHUNATHAN,  
THOPPIL THEKKETHIL, VETTUTHARA WEST,  
NEENDAKARA P.O., KOLLAM - 691 582.

9. VANAJA  
D/O ANANDAVALLY, THOPPIL THEKKETHIL, VETTUTHARA WEST  
NEENDAKARA P.O., KOLLAM - 691 582.

R1 BY ADV. SRI.THOMAS ANTONY, SC  
R2 TO R5 & R7 BY GOVT. PLEADER SRI. MANJOJ KUNJACHAN  
R6 BY ADV. SRI.K.SUBASH CHANDRA BOSE  
R8 & R9 BY ADV. SRI.S.SREEKUMAR (KOLLAM)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31-08-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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...3/-

APPENDIX

PETITIONERS' EXHIBITS :

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- EXT.P1: TRUE COPY OF THE REPLY DT. 11/8/15 ISSUED BY THE 7TH RESPONDENT.
- EXT.P2: TRUE COPY OF THE COMPLAINT DT. 1/6/15 SUBMITTED BEFORE THE RESPONDENT NO. 2.
- EXT.P2(a): TRUE COPY OF THE COMPLAINT DT. 1/6/15 SUBMITTED BEFORE RESPONDENT NO. 4.
- EXT.3: TRUE COPY OF THE COMPLAINT DT. 1/6/15 SUBMITTED BEFORE RESPONDENT NO. 6.
- EXT.P4: TRUE COPY OF THE COMPLAINT DT. 1/6/15 SUBMITTED BEFORE RESPONDENT NO. 7.
- EXT.P5: TRUE COPY OF THE LETTER DT. 23/6/15.
- EXT.P6: TRUE COPY OF THE LETTER DT. 3/6/15.
- EXT.P7: TRUE COPY OF THE REPRESENTATION DT. 17/6/15.
- EXT.P8: TRUE COPY OF THE REMINDER LETTER DT. 3/7/15 SUBMITTED BEFORE 2ND RESPONDENT.
- EXT.P9: TRUE COPY OF THE REMINDER LETTER DT. 3/7/15 SUBMITTED BEFORE THE RESPONDENT NO.4.
- EXT.P10: TRUE COPY OF THE REMINDER LETTER DT. 3/7/15 SUBMITTED BEFORE RESPONDENT NO. 7.
- EXT.P11: TRUE COPY OF THE LETTER DT. 28/7/15.
- EXT.P12: TRUE COPY OF THE REPRESENTATION DT. 24/7/15 SUBMITTED BEFORE THE 4TH RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

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//TRUE COPY//

P.A. TO JUDGE

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A. MUHAMED MUSTAQUE, J.

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W.P.(C) No. 25387 of 2015 (W)

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Dated this the 31<sup>st</sup> day of August, 2015

JUDGMENT

The petitioner, raising a complaint of encroachment on the side of National Highway by the party respondents, has approached this Court.

2.The learned counsel for the petitioner submits that near to his residence, party respondents have encroached the side of the National Highway and put up a shed and carrying hotel business.

3.The party respondents sought time for filing counter and objected the prayer of the petitioner.

4.This Court is of the view that the primary authority to advert any encroachment is the 2<sup>nd</sup> respondent. Therefore, it is for the 2<sup>nd</sup> respondent to consider the petitioner's complaint. Accordingly, this writ petition is disposed of, directing the 2<sup>nd</sup> respondent to consider and pass appropriate orders after adverting Exts.P10 and P11 etc., in accordance with law,

after giving an opportunity of hearing to the petitioner, party respondents and also local authority, if so warranted, at the earliest, at any rate, within period of 'one month' from the date of receipt of a copy of this judgment.

5. The petitioner shall produce a copy of this judgment and a copy of the writ petition before the 2<sup>nd</sup> respondent for further steps.

The writ petition is disposed of as above.

Sd/-  
A. MUHAMED MUSTAQUE  
JUDGE

AMV/01/09/