

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

WP(C).No. 36522 of 2005 (W)

PETITIONER :

**J.RAMAKRISHNAN UNNITHAN, MANGALATH HOUSE,
ULLARAKKOOL, P.O.NOORANAD-690 504,
GENERAL CONVENOR,
SIVA SENA, ALAPPUZHA DISTRICT.**

RESPONDENT(S):

- 1. THE ADDITIONAL DISTRICT MAGISTRATE,
ALAPPUZHA.**
- 2. THE DISTRICT COLLECTOR, ALAPPUZHA.**
- 3. INDIAN OIL CORPORATION,
REPRESENTED BY ITS ASSISTANT DIVISIONAL MANAGER,
ERNAKULAM.**
- 4. MRS.JESSY MOL, SHEEBA MANZIL,
THAMARAKKULAM P.O., ALAPPUZHA DISTRICT.**

**R1 & R2 BY SR GOVERNMENT PLEADER SRI.K.K.SAIDALAVI
R3 BY ADVS. SRI.E.K.NANDAKUMAR
SRI.K.JOHN MATHAI
SRI.P.BENNY THOMAS
SRI.ANIL D. NAIR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).NO.36522/2005

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE REPRESENTATION DATED 24/11/2005 FILED BY THE PRESIDENT, MAVELIKARA THAMARAKKULAM GRAMA PANCHAYAT BEFORE THE 2ND RESPONDENT**
- P2 COPY OF THE REPRESENTATION SUBMITTED BY THE AREA SECRETARY BEFORE THE RESPONDENT ON 1/12/2005 REFERRED TO IN THE WP(C).**
- P3 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE 2ND RESPONDENT WITH COPY TO THE 1ST RESPONDENT**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 36522 of 2005

Dated this the 2nd day of September, 2015

J U D G M E N T

The petitioner has preferred this writ petition against the granting of NOC in favour of the 4th respondent by respondents 1 to 3 for installing a petrol outlet, encroaching upon a temple property as well as a government 'purambokku'. The petitioner alleges that he as well as the people of the locality has brought this fact to the notice of respondents 1 to 3 as evidenced by Exts.P1 to P3. According to the petitioner, without taking any action against the 4th respondent, hasty steps are being taken for granting No Objection Certificate.

2. The learned Standing Counsel for the 3rd respondent submitted that the matter is purely a civil dispute and nobody has approached a competent civil forum.

3. However, the learned counsel for the petitioner as well as the learned senior Government Pleader submitted that as the petitioner has an allegation that the 3rd respondent is

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intending to install the petrol outlet encroaching upon a portion of the government land also, the issue is absolutely within the competence of the 2nd respondent to enquire whether any such encroachment has been made by the 4th respondent.

4. The learned counsel for the petitioner would submit that Ext.P3 representation is pending before the 2nd respondent.

Therefore, the writ petition is disposed of directing the 2nd respondent to consider the issue regarding the alleged encroachment on government land after affording the petitioner and respondents 3 & 4 an opportunity of being heard within a period of two months from the date of receipt of a copy of this judgment. It shall be open to the parties to approach a competent civil forum regarding the issue in respect of the property of the temple.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-