

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 26190 of 2015 (W)

PETITIONER:

**RADHAKRISHNA PANICKER,
AGED 50 YEARS
S/O. CHELLAPPA NAIR,
RESIDING AT VARIMBILLIL HOUSE
KARUVATTA P.O.,
HARIPPAD - 690 517.**

BY ADV. SRI.P.SREEKUMAR

RESPONDENTS:

- 1. THE SECRETARY
KARUVATTA GRAMA PANCHAYATH
690 517**
 - 2. THE DEPUTY DIRECTOR OF PANCHAYATH,
ALAPPUZHA DISTRICT - 698 011**
 - 3. THE DISTRICT COLLECTOR,
ALAPPUZHA - 698 011**
 - 4. THE REVENUE DIVISIONAL OFFICER,
CHENGANNUR - 689 121**
 - 5. SENIOR SECTION ENGINEER (PERMANENT WAY)
SOUTHERN RAILWAY,
ALAPPUZHA - 688 001**
 - 6. JAMES VARGHESE,
TRUSTEE, MAR YACOOB,
BURDANA ORTHODOX CHURCH
KARUVATT - 690 517**
- R2, R3 & R4 BY GOVERNMENT PLEADER SMT. SANJEETHA K.A.
R5 BY ADV.SRI.C.S.DIAS,SC, RAILWAYS
R6 BY ADVS. SRI.GEORGE VARGHESE (MANACHIRACKEL)
SMT.SALI. P. MATHEW (MUNNAR)**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1- TRUE COPY OF THE REPORT SUBMITTED BY THE 2ND
RESPONDENT ON 16/04/2013.

EXHIBIT-P2- TRUE COPY OF THE REPORT SUBMITTED BY THE 4TH
RESPONDENT ON 23/04/2013.

EXHIBIT-P3- TRUE COPY OF THE ORDER DATED 06/05/2013 ISSUED BY THE 3RD
RESPONDENT.

EXHIBIT-P4-TRUE COPY OF THE COMMUNICATION DATED 23/04/2013 ISSUED BY
THE 4TH RESPONDENT TO TH ADDITIONAL TAHSILDAR,
KARTHIKAPALLY.

EXHIBIT-P5-TRUE COPY OF THE COMMUNICATION DATED 23/04/2013 SENT BY
THE 4TH RESPONDENT TO THE RAILWAY AUTHORITIES.

EXHIBIT-P6-TRUE COPY OF THE CIRCULAR DATED 01/09/2013.

EXHIBIT-P7-TRUE COPY OF THE PETITION DATED 15/06/2015.

RESPONDENT(S)' EXHIBITS

EXHIBIT-R6(a)-TRUE COPY OF SALE DEED NO. 2375/2012 OF HARIPAD SRO

EXHIBIT-R6(b)-TRUE COPY OF LAND TAX PAID RECEIPT DATED 09.09.2015
ISSUED BY KARUVATTA VILLAGE OFFICE

EXHIBIT-R6(c)-TRUE PHOTOGRAPH SHOWING THE SHRINE ESTABLISHED BY
R6 CHURCH IN SY NO. 157/10

EXHIBIT-R6(d)-TRUE COPY OF APPLICATION DATED 06.09.2013 SUBMITTED BY
VICAR OF 6TH RESPONDENT CHURCH TO DISTRICT COLLECTOR,
ALLEPPEY

EXHIBIT-R6(e)-TRUE COPY OF NO OBJECTION CERTIFICATE DATED 18.07.2013
ISSUED BY THE DIVISIONAL RAILWAY MANAGER, SOUTHERN
RAILWAY

EXHIBIT-R6(f)-TRUE COPY OF LETTER DATED 11.2.2014 ISSUED BY THE
PRESIDENT, KARUVATTA GRAMA PANCHAYATH TO THE DISTRICT
COLLECTOR

EXHIBIT-R6(g)-TRUE COPY OF JUDGMENT OF HON'BLE HIGH COURT DATED
29.01.2013 IN W.P.(C) NO. 2700/2013

EXHIBIT-R6(h)-TRUE PHOTOGRAPH SHOWING RECEPTION TO THE CHURCH
AUTHORITIES BY THE SREEGOLOKASRAMAM, KARUVATTA

/TRUE COPY/

P.A. TO JUDGE

V. CHITAMBARESH, J

W.P.(C). NO. 26190 OF 2015

Dated this the 05th day of October, 2015

JUDGMENT

The petitioner asserts that the sixth respondent is proceeding with the construction of a building encroaching into the property of the Railways. The sixth respondent however contends that the Railways have already issued a No Objection Certificate. The petitioner contends that the No Objection Certificate does not pervade to the property of the Railways. In other words the No Objection Certificate can only pertain to the construction of the building in the property of the sixth respondent.

2. It is reported that Ext. P7 representation filed by the petitioner is pending consideration with the third respondent. It is for the third respondent to consider whether there has been an encroachment into the Railway property or not. The third respondent is also the authority to consider whether permission can be granted

to construct a chapel. Ext. R6(d) application put in by the sixth respondent in this regard for permission is also pending with the third respondent.

3. I direct the third respondent to consider Ext. P7 representation and Ext. R6(d) application within a period of two months. The same shall be done with notice to the petitioner, respondents 1, 4, 5 and 6. The status quo as directed in Ext. P3 order shall be maintained till orders are passed on Ext. P7 representation and Ext. R6(d) application by the third respondent as directed above.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS