

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 29608 of 2011 (S)

PETITIONER(S):

- 1. KERALA ADIVASI DEVELOPMENT SOCIETY,
(REG.NO.1-9/2003), KUMILY P.O., IDUKKI DISTRICT,
REPRESENTED BY ITS PRESIDENT SMT. SELVARANI,
W/O.THOMAS, AGED 42 YEARS, RESIDING AT PALIYAKUDY,
LAPPAKKANDA P.O., KUMILY, PEERMADU TALUK,
IDUKKI DISTRICT.**
- 2. K.K.BHASKARAN, S/O. KUNJU KUNJU,
AGED 58 YEARS, RESIDING AT KANNATTU HOUSE,
MAREKADY P.O., KUMILY VILLAGE, PEERMADU TALUK,
IDUKKI DISTRICT.**

**BY ADVS.SRI.C.K.PAVITHRAN
SRI.M.VIVEK**

RESPONDENT(S):

- 1. GOVERNMENT OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR, CIVIL STATION,
PAINAVU, IDUKKI DISTRICT-685 603.**
- 3. THE TAHSILDAR,
PEERMADE-685 531.**
- 4. THE VILLAGE OFFICER, KUMILY-685 509.**

R1 TO R4 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE PETITION DATED 29/1/2010 ADDRESSED TO HON'BLE REVENUE MINISTER.**
- EXHIBIT P2: TRUE COPY OF THE PETITION DATED 18/7/2011 ADDRESSED TO THE 3RD RESPONDENT.**
- EXHIBIT P3: TRUE COPY OF TWO ACKNOWLEDGEMENT CARDS.**
- EXHIBIT P4: TRUE COPY OF THE LETTER DATED 3/1/2011 ISSUED BY THE VILLAGE OFFICER, KUMILY.**
- EXHIBIT P5: TRUE COPY OF THE LETTER DATED 24/2/2011.**
- EXHIBIT P6: TRUE COPY OF THE PETITION DATED 4/8/2011.**

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A.TO.JUDGE

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**ASHOK BHUSHAN, Ag.CJ
& A.M.SHAFFIQUE, J.**

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W.P.C.No.29608 of 2011

Dated this the 6th day of February 2015

J U D G M E N T

Shaffique,J

This writ petition is filed in the form of a public interest litigation for a direction to the respondents to evict the encroachers from 4.80 acres of Government land available in Kumily village in Peerumedu Taluk. 1st petitioner is an organisation who required certain item of land for constructing an office building and had requested the Government for assignment of 35 cents of land for the same. They were informed that land was not available. By Ext.P2, it was informed by the 2nd petitioner to the Government that the land in Sy.No.24/1/A of Kumili village having an extent of 5.81 acres is described as puramboke land. According to the petitioners, this land has been encroached by several private parties and therefore request was made for evicting those encroachers to enable the petitioners to get

assignment of the land. But, so far no action has been taken in the matter and therefore the petitioners have approached this Court.

2. Statement has been filed on behalf of the 3rd respondent stating that in the aforesaid 5.81 acres of land in Sy.No.24/1/A, there are several Government establishments. It is reported by the Village Officer that certain encroachments had occurred in the said land several years back and no encroachment was detected in the recent years. Further, it is stated that the survey and demarcation of the area are being done and thereafter appropriate steps will be taken under the Kerala Land Conservancy Act and Rules for evicting the encroachers.

3. It is for the revenue authorities to take appropriate steps under the Kerala Land Conservancy Act to evict the encroachers from the Government land. The District Collector, Idukki, being the competent authority, shall take appropriate steps in accordance with law and in that regard complete the process as early as possible.

With these observations, this writ petition is disposed of.

**(ASHOK BHUSHAN,
ACTING CHIEF JUSTICE)**

(A.M.SHAFFIQUE, JUDGE)

jsr

