

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

**PRESENT:**

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

**FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937**

**WP(C).No. 26745 of 2015 (P)**  
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**PETITIONER :**  
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**LUCINA ABRAHAM, AGED 45 YEARS,  
W/O. SAJI, MUTTANOLIL, KOOHATTUKULAM,  
MUVATTUPUZHA.**

**BY ADVS.SRI.R.SANJITH  
SMT.C.S.SINDHU KRISHNAH**

**RESPONDENTS :**  
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- 1. DISTRICT COLLECTOR  
COLLECTORATE, CIVIL STATION, ERNAKULAM-682030.**
- 2. ASSISTANT ENGINEER  
PVIP SECTION NO.3/7, KOLENCHERRY-682311.**
- 3. ADDITIONAL TAHSILDAR  
MUVATTUPUZHA-686661.**
- 4. DISTRICT HEAD SURVEYOR  
COLLECTORATE, SURVEY SECTION, CIVIL STATION,  
KAKKANAD, ERNAKULAM-682030.**
- 5. TALUK SURVEYOR,  
MUVATTUPUZHA TALUK-686661.**
- 6. A.J.JOHNY, AGED 80 YEARS,  
S/O.LATE YOHANNAN, ARIKUPURATH HOUSE,  
ARAKUNNAM P.O., ERNAKULAM-682312.**

**R1 TO R5 BY GOVERNMENT PLEADER SMT. C.K. SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 04-09-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**bp**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXHIBIT-P1: TRUE COPY OF THE TAX PAID RECEIPTS.
- EXHIBIT-P2: TRUE COPY OF THE SKETCH SHOWING THE LIE AND NATURE OF THE PETITIONER'S PROPERTY AS WELL AS THE LIE AND NATURE OF THE IRRIGATION CANAL.
- EXHIBIT-P3: TRUE COPY OF THE REPORT BEARING NO.F46065/13 DATED 16/06/2014.
- EXHIBIT-P4: TRUE COPY OF THE NOTICE BEARING NO.3835/15 DATED 24/11/2014.
- EXHIBIT-P5: TRUE COPY OF THE REPLY BEARING NO.G1 3835/14 DATED 09/03/2015.
- EXHIBIT-P6: TRUE COPIES OF THE COMPLAINT DATED 07/10/2014 OF THE 6TH RESPONDENT.
- EXHIBIT-P7: TRUE COPY OF THE REPORT BEARING NO.NIL DATED NIL OF THE 4TH RESPONDENT.
- EXHIBIT-P8: TRUE COPIES OF THE NOTICE DATED 16/01/2015 OF THE 2ND RESPONDENT.
- EXHIBIT-P9: TRUE COPY OF THE NOTICE DATED 11/02/2015.
- EXHIBIT-P10: TRUE COPY OF THE REPLY DATED 20/02/2015.
- EXHIBIT-P11: TRUE COPY OF THE NOTICE DATED 20/08/2015 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT-P12: TRUE COPY OF THE REPLY DATED 25/08/2015 ISSUED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

**A. MUHAMED MUSTAQUE, J**

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**W.P.(C).No. 26745 of 2015**  
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**Dated this the 04<sup>th</sup> day of September, 2015**

**JUDGMENT**

The petitioner aggrieved by Ext.P11 has approached this Court. Ext.P11 appears to have been issued under the Land Conservancy Act, to evict the petitioner from the land referred therein alleging encroachment.

2. This Court is of the view that the petitioner shall raise objections to Ext.P11 within two weeks from the receipt of a copy of this judgment and appropriate orders shall be passed by the 2<sup>nd</sup> respondent within one month thereon. The petitioner shall not be evicted till the final decision is taken by the 2<sup>nd</sup> respondent. If the 2<sup>nd</sup> respondent takes a decision to evict the petitioner based on the final order, the same shall be kept suspended for a period of one week after communicating the same to the petitioner.

The writ petition is disposed of as above.

Sd/-

**A. MUHAMED MUSTAQUE, JUDGE**