

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 27050 of 2015 (E)

PETITIONER(S):

1. **ABDUL KAREEM, S/O. KUNJUMARAKKAR,
KAYAMKULAM HOUSE, EAST CHALLAKKUDY,
CHALAKKUDY, CHALAKKUDY.**
2. **V. PREMALATHA,
W/O.KRISHNANKUTTY PILLAI, MAZHUVANCHERRY HOUSE,
K.K ROAD, CHALAKKUDY.**
3. **K.K. LONAPPAN,
S/O. KUNJUVAREED, KOKKATTIL HOUSE,
ASHTAMICHIRA P.O.,CHALAKKUDY.**
4. **V.R. VASANTHA,
W/O. PAVITHRAN,
CHALIYIL ESWARAMANGALATH NEAR KANNAMPUZHA TEMPLE,
CHALAKKUDY.**

BY ADV. SRI.G.SHRIKUMAR (SR.)

RESPONDENT(S):

1. **THE ASSISTANT EXECUTIVE ENGINEER,
OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER,
(PWD) ROADS SUB DIVISION, IRINJALAKUDA.**
2. **THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
3. **THE DISTRICT COLLECTOR, THRISSUR.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 27050 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPIES OF THE LAND TAX RECEIPTS EVIDENCING PAYMENT OF
TAX BY THE PETITIONERS.**

**EXHIBIT P2: TRUE COPIES OF THE NOTICES ISSUED TO THE PETITIONERS BY THE
1ST RESPONDENT.**

**EXHIBIT P3: TRUE COPY OF THE REPRESENTATIONS SUBMITTED BY THE
2ND PETITIONER BEFORE THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.27050 of 2015

Dated this the 8th day of September, 2015.

J U D G M E N T

The petitioner, aggrieved by Ext.P2 series of notices issued under the Kerala Land Conservancy Act, has approached this Court.

2. The 2nd petitioner raised objection as against the determination of the land as an encroachment, by Ext.P3. This Court is of the view that, against the issuance of Ext.P2 series of notices, all the petitioners shall raise their objections. Necessarily, the authority can initiate action under the Kerala Land Conservancy Act, only based on a determination of the encroachment based on Ext.P2, after affording an opportunity to raise objection. It cannot proceed without giving any opportunity of hearing to the persons whom are alleged to be encroached upon the government land. The remaining petitioners shall raise their objections within 2 weeks of receipt of copy of this

judgment. Thereafter, after conducting due enquiry and hearing the petitioners, appropriate orders shall be passed by the 1st respondent. Till a final decision is taken in the matter, no action shall be taken based on Ext.P2 notices.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge