

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No.31182 of 2012 (W)

PETITIONER :

POONILARKAVU KSHETRA SAMRAKSHANA SAMITHY,
REPRESENTED BY ITS SECRETARY, E. KRISHNAN NAIR,
AGED 63 YEARS, S/O. ELAYATH PARUKUTTY AMMA,
KAVIL DESOM, KODAKARA, THRISSUR DISTRICT – 680 684.

BY ADV. SRI.JAYKAR K S

RESPONDENTS :

1. THE ASSISTANT EXECUTIVE ENGINEER,
IRRIGATION DIVISION NO.1, CHALAKUDY – 686 501.
2. REVENUE DIVISIONAL OFFICER,
COLLECTORATE,
THRISSUR – 680 003.

BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :-

- EXT.P1 : COPY OF THE JUDGMENT IN W.P.(C)No.9629/2012 DTD.19.9.2012.
- EXT.P2: COPY OF THE EVICTION NOTICE ISSUED BY THE 1ST RESPONDENT
DTD.4.12.2012.
- EXT.P3: COPY OF THE APPEAL SUBMITTED BEFORE THE 2ND RESPONDENT
DTD.16.12.2012.
- EXT.P4: COPY OF THE STAY PETITION SUBMITTED BEFORE THE 2ND
RESPONDENT DTD.16.12.2012.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.31182 of 2012

Dated this the 30th day of September, 2015

JUDGMENT

The petitioner is a Kshetra Samrakshana Samithy represented by its Secretary. The petitioner has filed this Writ Petition seeking a writ of certiorari to quash Ext.P2 and seeking a writ of mandamus commanding the 1st respondent to consider and pass orders on Ext.P4 stay petition.

2. From the pleadings on record it is seen that the 1st respondent has issued Ext.P2 notice under the Land Conservancy Rules directing the petitioner to vacate the portion of the land alleged to have been encroached. Against Ext.P2 notice the petitioner preferred Ext.P3 appeal before the 2nd respondent, which has already been numbered as A3-20483/2012. Ext.P4 is the stay petition filed along with Ext.P3 appeal. The grievance of the petitioner is that the 2nd respondent has not passed any orders on Ext.P4 stay petition.

3. Considering the fact that the petitioner has already challenged Ext.P2 notice before the 2nd respondent by filing Ext.P3

appeal, which is accompanied by Ext.P4 stay petition, I deem it appropriate to dispose of this Writ Petition without going into the merits of the case.

In the result, this Writ Petition is disposed of directing the 2nd respondent to consider and pass appropriate orders on Ext.P3 appeal, if the same is still pending, with notice to the petitioner, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment.

Sd/-

ANIL K.NARENDRAN, JUDGE

skj