

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 27416 of 2015 (B)

PETITIONER(S):

GEORGE VATTOLIL @ V. J GEORGE, AGED 62 YEARS
S/O. JOSEPH, VATTOLIL HOUSE, S.R.M. ROAD,
KOCHI- 682018.

BY ADVS.SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA

RESPONDENT(S):

1. THE UNION OF INDIA, REPRESENTED BY ITS SECRETARY,
MINISTRY OF RAILWAYS, RAILWAY BHAVAN, CHENNAI-515101.
2. THE SOUTHERN RAILWAYS, REPRESENTED BY ITS GENERAL MANAGER,
SOUTHERN RAILWAYS, EGMORE, CHENNAI-515101.
3. DIVISIONAL MANAGER AND ESTATE OFFICER,
DIVISION OFFICE, WORKS BRANCH, SOUTHERN RAILWAYS,
THIRUVANANTHAPURAM-685 001.
4. THE AREA MANAGER, SOUTHERN RAILWAY, AREA MANAGER'S OFFICE,
ERNAKULAM SOUTH RAILWAY STATION, ERNAKULAM, KOCHI- 682016.

R1-R4 BY ADV. SRI.C.S.DIAS,SC, RAILWAYS
ASGI- ADV.SRI.N. NAGARESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) 'S EXHIBITS:

EXHIBIT P1: TRUE COPY OF THE NOTICE DATED 20-12-2012 ISSUED BY
THIRD RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE ORDER DATED 19.3.2013 ISSUED BY THIRD
RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE JUDGMENT IN CMA NO.20 OF 2013 DATED
23.10.2014 OF DISTRICT COURT, ERNAKULAM.

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

A. MUHAMED MUSTAQUE, J.

W.P.(C) No. 27416 of 2015

Dated this the 16th day of September, 2015.

JUDGMENT

Aggrieved by Ext.P2 order issued by the respondents under the Public Premises (Eviction of Unauthorised Occupants) Act, the petitioner has approached this Court.

2. In fact, a notice was issued and an order was passed invoking power under the Public Premises Act. This was challenged before the District Court, Ernakulam in C.M.A. No. 20 of 2013. The District Court, Ernakulam set aside the order and remanded back the matter for fresh consideration.

3. Pursuant to the direction of the District Court, Ernakulam, necessarily the petitioner is entitled to raise his objection. Therefore, this Court is of the view that the respondents can only initiate further action after passing final orders pursuant to the direction of the District Court, Ernakulam in C.M.A.No.20 of 2013.

4. Therefore, to conclude the proceedings based on Ext.P3, the petitioner shall appear before the third respondent

on 5.10.2015. Thereafter, after hearing the petitioner, the third respondent shall verify his objections and pass a reasoned order. The entire exercise based on the direction on C.M.A.No.20 of 2013 shall be concluded within the outer limit of three months. The petitioner shall be given sufficient opportunity to produce all the documents to adduce evidence and to substantiate his objections. It is made clear that no action shall be initiated against the petitioner until final order is passed in the matter by the third respondent.

If the petitioner apprehends the bias from the present Estate Officer dealing with the matter, the petitioner is free to raise grievance before the Divisional Railway Manager. If such request is made by the petitioner, the same shall be considered within one week from the date of receipt of such request. The petitioner shall make such request within one week from the date of receipt of a copy of this judgment.

Sd/-

**A. MUHAMED MUSTAQUE
JUDGE**

Scl.