

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 28117 of 2015 (S)

PETITIONER :

AJIMON P.M. AGED 32 YEARS,
S/O.MOHANAN, PARACKAL HOUSE,
EDAKADATHI POST, KOLLAMULA VILLAGE,
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.S.JIJI
SRI.NAIJU RAVINDRANATH

RESPONDENTS :

1. STATE OF KERALA REPRESENTED BY
THE SECRETARY TO THE GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 002.
2. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE R.D.O., THIRUVALLA POST,
PATHANAMTHITTA DIST.- 689 675.
3. THE TAHSILDAR, RANNI TALUK OFFICE,
RANNI - 689 672.
4. THE VILLAGE OFFICER, KOLLAMULA VILLAGE OFFICE,
CHATHANTHARA P.O., MUKKOOTTUTHARA - 686 510.
5. THE SECRETARY,
VECHOOCHIRA GRAMA PANCHAYAT,
VECHOOCHIRA P.O., PATHANAMTHITTA DIST. - 686 511.
6. REGI K.R. @ VAYYA REGI AGED 38 YEARS,
S/O.RAGHAVAN, KOTTARATHIL HOUSE,
EDAKADATHI P.O., PAMPAYATTUNKAL - 686 510.

R1 TO R4 BY SR.GOVERNMENT PLEADER, SRI.P.I. DAVIS.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE REPLY GIVEN BY THE 3RD RESPONDENT.

EXT.P1(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P1.

EXT.P2 : SOME TRUE PHOTOGRAPHS OF THE ILLEGAL CONSTRUCTIONS CARRIED
OUT BY THE 5TH RESPONDENT.

EXT.P3 : TRUE COPY OF THE APPLICATION FILED UNDER RTI ACT.

EXT.P3(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P3.

EXT.P4 : TRUE COPY OF THE REPLY GIVEN BY THE 4TH RESPONDENT
PANCHAYAT.

EXT.P4(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P4.

EXT.P5 : TRUE COPY OF THE APPLICATION DATED 12.08.2014.

EXT.P5(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P5.

EXT.P6 : TRUE COPY OF THE COMPLAINT DATED 26.08.2014.

EXT.P6(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P6.

EXT.P7 : TRUE COPY OF THE APPLICATION DATED 09.10.2014.

EXT.P7(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P7.

EXT.P8 : TRUE COPY OF THE APPLICATION DATED 13.10.2014.

EXT.P8(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P8.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

Ashok Bhushan, C.J. & K. Vinod Chandran, J.

W.P.(C) No. 28117 OF 2015

Dated this the 17th day of September, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel appearing for the petitioner as well as learned Government Pleader. No notice is being issued to the 6th respondent in view of the order which is being passed.

2. The petitioner has filed this writ petition as Public Interest Litigation praying for a mandamus directing the 3rd respondent to measure the property of 6th respondent and demarcate the same from any encroachments upon revenue land and evict the 6th respondent from such illegal occupation of revenue land.

3. Petitioner's case is that the 6th respondent has encroached certain revenue land and is conducting a toddy shop. He submits that he has already submitted a complaint on 26.08.2014 before the Village Officer as well as the Revenue Divisional Officer on 09.10.2014 which are produced as Exts.P6 and P7, but no action has been taken in the matter.

4. The question is as to whether the 6th respondent has encroached any revenue land, which is a question of fact and it can be considered only by competent authorities. This Court cannot enter into such issues. However, in view of the fact that the petitioner has already brought to the notice of 2nd respondent, the Revenue Divisional Officer, about the encroachment by 6th respondent, it is appropriate that the Revenue Divisional Officer may look into the complaint and take such appropriate measures in accordance with law after due notice to 6th respondent, if required.

With the above observation this Writ Petition is disposed of.

**Ashok Bhushan,
Chief Justice.**

**K. Vinod Chandran,
Judge.**

WP(C) No. 28117 of 2015

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