

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 28795 of 2014 (Y)

PETITIONER(S) :

**P.X.VARGHESE, AGED 40 YEARS,
S/O.XAVIER, PATAMAATTUNKAL HOUSE, P.K.ROAD,
KUMARANELLOOR P.O, KOTTAYAM-686 016, SECRETARY,
MILLENIUM KUDIVELLA PADHATHY, KUMARANELLOOR, KOTTAYAM.**

BY ADV. SRI.N.AJITH

RESPONDENT(S) :

- 1. THE SECRETARY,
DEPARTMENT OF IRRIGATION, SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE SECRETARY,
DEPARTMENT OF REVENUE, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**
- 3. THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL STATION COMPLEX, KOTTAYAM- 686 002.**
- 4. THE EXECUTIVE ENGINEER,
OFFICE OF THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, KOTTAYAM- 686 002.**
- 5. THE SECRETARY,
KOTTAYAM MUNICIPALITY, KOTTAYAM- 686 002.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE
R4 BY ADV. SRI.JOSEPH JOHN, S.C
R5 BY ADV. SRI.PHILIP J.VETTICKATTU**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: PHOTOSTAT COPY OF CERTIFICATE OF REGISTRATION OF THE SOCIETY, DATED 02-11-2012.**
- EXHIBIT P2: PHOTOSTAT COPY OF THE MEMORANDUM OF THE ASSOCIATION OF THE SOCIETY, DATED 02-11-2012.**
- EXHIBIT P3: PHOTOSTAT COPY OF THE SALE DEED NO.246 OF 2013 OF KOTTAYAM SUB REGISTRAR OFFICE DATED 25-01-2013.**
- EXHIBIT P4: PHOTOSTAT COPY OF THE BASIC TAX RECEIPT DATED 20-04-2013.**
- EXHIBIT P5: PHOTOSTAT COPY OF THE LEASE DEED IN FAVOUR OF THE SOCIETY DATED 08-04-2013.**
- EXHIBIT P6: PHOTOSTAT COPY OF THE APPLICATION BY THE SOCIETY TO THE DISTRICT COLLECTOR, KOTTAYAM DATED 06-05-2013.**
- EXHIBIT P7: PHOTOSTAT COPY OF THE PETITION SUBMITTED TO THE MLA, KOTTAYAM, DATED 13-05-2013.**
- EXHIBIT P8: PHOTOSTAT COPY OF THE COMMUNICATION FROM EXECUTIVE ENGINEER, KWA, KOTTAYAM TO THE DISTRICT COLLECTOR, KOTTAYAM, DATED 15-05-2013.**
- EXHIBIT P9: PHOTOSTAT COPY OF THE COMMUNICATION FROM TAHSILDAR, KOTTAYAM TO THE DISTRICT COLLECTOR, KOTTAYAM, DATED 09-05-2013.**
- EXHIBIT P10: PHOTOSTAT COPY OF THE REPRESENTATION GIVEN TO THE DISTRICT COLLECTOR, KOTTAYAM DATED 25-05-2013.**
- EXHIBIT P11: PHOTOSTAT COPY OF THE PETITION FILED BEFORE THE CHIEF MINISTER OF KERALA, DATED 04-11-2013.**
- EXHIBIT P12: PHOTOSTAT COPY OF THE LETTER RECEIVED FROM THE MUNICIPALITY, KOTTAYAM, DATED 11-03-2014.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.28795 of 2014

Dated this the 30th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"a. Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing the Respondents to act upon Ext.P12 communication, positively without delay, within a time frame to be fixed by this Hon. Court.

b. Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing the Respondents to consider Ext.P6 and Ext.P7 and act upon them within a time frame fixed by this Hon. Court.

c. Grant the Petitioner such other appropriate reliefs that this Hon. Court may deem fit to grant on the facts and circumstances of the case. And

d. Award the petitioner, the costs of this Writ Petition."

2. The learned Senior Counsel appearing for the petitioner submits that, Ext.P6 was submitted before the District Collector way back in on 06.05.2013 and that, several endorsements have been made thereon. But the proceedings did not come to be finalised. It is also brought to the notice of this Court that, the matter was also brought to the notice of the Hon'ble Minister by submitting Ext.P7, which was forwarded to the District Collector, who has made some endorsements to have redressal of the grievance of the petitioner vide

endorsement dated 13.12.2013. Nothing has transpired in the positive and hence the writ petition.

3. Heard the learned Standing Counsel appearing for the Water Authority as well as the learned Government Pleader appearing for the respondents 1 to 3.

4. After hearing both the sides, this Court finds that the matter has to be taken to a logical conclusion by passing appropriate orders on Ext.P7. As such, there will be a direction to the 3rd respondent to finalise the issue forming the subject matter of Ext.P7, after hearing the petitioner and also the Water Authority, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 3rd respondent, for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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