

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C) .No. 28914 of 2014 (L)

PETITIONER(S) :-

SATHYANESAN, AGED 58 YEARS
S/O JOBEL NADAR, ARUN VILASOM, AATTARIKATH VEEDU
ARUVIPPURAM, MUTHUVILA P.O, KALLARA VILLAGE
THIRUVANANTHAPURAM

BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENT(S) :-

1. THE REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM, PIN-695043

2. DR. M. VIJAYADHARAN,
PEARL VIEW, MGRA 23, TKD ROAD
MARAPPALAM, THIRUVANANTHAPURAM 695004

R2 BY ADV. SRI.SAJEEVAN KURUKKUTTIYULLATHIL
SMT.SARITHA THOMAS
SRI.N.S.SABU

R1 BY SR.GOVERNMENT PLEADER SRI.MOHAMMED SHAFI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

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APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT P1 : TRUE COPY OF THE ORDER DATED 17-06-2013 ISSUED BY
THE 1ST RESPONDENT.

EXHIBIT P2 : TRUE COPY OF THE ORDER DATED 11-02-2014 IN CRRP
NO 47/13 OF SESSIONS COURT, THIRUVANANTHAPURAM.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

THOTTATHIL B. RADHAKRISHNAN, J.

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Dated this the 8th day of January, 2015

J U D G M E N T

Heard.

2. The petitioner challenges Ext.P1, an order shown to be issued by the Revenue Divisional Officer. That is one resulting in deprivation of property, in the sense, that it contains a direction to the petitioner to remove the sand or mud as is allegedly deposited in the land stated to be belonging to the opposite party in that proceedings. Having considered the contents of Ext.P1, I am of the view that no such administrative exercise could have been carried out by the Revenue Divisional Officer. Even if I were to think that the said officer has also exercised the powers of District Magistrate in terms of the provisions of the Code of Criminal Procedure, as rightly noticed by the Court of Session in Ext.P2, the matter is purely a transaction which is civil in nature and there was no reason to interfere in criminal jurisdiction. The result of the discussion is that Ext.P1 is without jurisdiction and unsustainable. It is accordingly liable

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to be quashed leaving the parties to seek reliefs from appropriate authorities in accordance with law.

In the result, this writ petition is allowed quashing Ext.P1 without prejudice to the contentions in other jurisdictions.

**Sd/-
THOTTATHIL B. RADHAKRISHNAN
JUDGE**

Jvt