

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 28766 of 2015 (U)

PETITIONER(S):

**SUNNY P.J., AGED 43 YEARS,
S/O P.T. JOSE, PULLATTU OZHUKAYIL HOUSE,
NENMENI POST, CHULLIYODE, SULTHAN BATHERY,
WAYANAD DISTRICT, PIN -673 592.**

BY ADV. SRI.A.V.JAMES.

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
LOCAL ADMINISTRATION, SECRETARIAT,
THIRUVANANTHAPURAM, PIN- 695 001.**
- 2. THE ASSISTANT ENGINEER,
PWD (ROAD) SECTION, AMBALAVAYAL POST,
AMBALAVAYAL, SULTHAN BATHERY TALUK,
WAYANAD DISTRICT, PIN -673 592.**
- 3. THE TAHSILDAR,
SULTHAN BATHERY TALUK, TALUK OFFICE,
SULTHAN BATHERY POST, WAYANAD DISTRICT, PIN- 673 592.**

BY GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE REPRESENTATION DATED 11/03/2013 GIVEN BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXT.P2 COPY OF THE NOTICE DATED 13/08/2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXT.P3 COPY OF THE REPLAY DATED 19/08/2015 SENT BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXT.P4 COPY OF THE NOTICE AND B FORM DATED 04/09/2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 28766 of 2015

Dated this the 23rd day of September, 2015

JUDGMENT

The petitioner has been served with Ext.P2 notice alleging encroachment of PWD road.

2. The petitioner, in fact, has approached the Tahsildar for demarcating the petitioner's property and PWD property.

This Court is of the view, there shall be a demarcation of the petitioner's property, necessary action shall be taken by the second respondent to cause the third respondent to demarcate the petitioner's property as well as the PWD property. The third respondent shall also make necessary effort to determine the petitioner's property. It is only after finalization of the above, if it is found that there is any encroachment, further action shall be initiated against the petitioner based on the impugned notice. Till the decision as above, status quo shall be maintained.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE