

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 29464 of 2015 (G)

PETITIONER(S):

**SHEREEFA,
D/O. SAFARUDEEN,
VADAKKETHODI VEETIL, VILAKAMAM DESOM,
AYIROOR VILLAGE, VARKALA, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.B.KRISHNA MANI
SRI.SAABIR F. HAQ**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM 695 001.**
- 2. THE ADDITIONAL TAHSILDAR AND
EXECUTIVE MAGISTRATE, TALUK OFFICE,
VARKALA, THIRUVANANTHAPURAM DISTRICT 695 186.**
- 3. THE VILLAGE OFFICER, AYIROOR,
CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM DISTRICT 695 006.**
- 4. THE SECRETARY,
ELAKAMON GRAMA PANCHAYAT, AYIROOR POST, VARKALA,
THIRUVANANTHAPURAM 695 186.**
- 5. THE ASSISTANT ENGINEER,
ELAKAMON GRAMA PANCHAYAT, AYIROOR POST, VARKALA,
THIRUVANANTHAPURAM 695 186.**

**R1-3,5 BY GOVERNMENT PLEADER SRI.GIKKU JACOB
R4 BY ADV. SRI.S.D.ASOKAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE DOCUMENT DATED 26/09/2012**
- EXHIBIT P2 TRUE COPY OF THE TAX RECEIPT DATED 20/5/2013**
- EXHIBIT P3 TRUE COPY OF THE PLAINT, O.S 372/2015 BEFORE THE MUNSIFF'S
COURT VARKALA BY FILING A SUIT, O.S 372/2015 DATED 4/9/2015**
- EXHIBIT P4 TRUE COPY OF THE COMMUNICATION DATED 22/9/2015 ISSUED BY
THE ASSISTANT ENGINEER, ELAKAMON GRAMA PANCHAYAT**
- EXHIBIT P5 TRUE COPY OF THE COMMUNICATION DATED 22/9/2015 TO THE
TAHSILDAR, VARKALA ISSUED BY THE SECRETARY OF THE
ELAKAMON GRAMA PANCHAYAT**
- EXHIBIT P6 TRUE COPY OF THE PHOTOGRAPH**
- EXHIBIT P7 TRUE COPY OF THE PHOTOGRAPH**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 29464 of 2015

Dated this the 13th day of November, 2015

JUDGMENT

The petitioner is the owner in possession of property in Re-survey No.390/2 of Ayiroor Village, Chirayinkeezhu Taluk, Thiruvananthapuram District. She approached this Court with following reliefs :

- i) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to implement Exts.P4 and P5 forthwith and carry out the necessary measurements in terms of the same;*
- ii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents not to annex any portion of the petitioner's property comprised in Ext.P1 in any manner while tarring Erath road;*
- iii) Issue an interim direction directing the respondents not to annex any portion of the petitioner's property comprised in Ext.P1 in any manner while tarring Erath road, until the disposal of this Writ Petition ;*
- iv) Award costs and*

v) Any other reliefs this Hon'ble Court deems fit.

2. The learned Government Pleader submits that they will not annex any portion of the petitioner's land for the purpose of widening the road. It is submitted that all neighbouring owners have surrendered the land for the formation of road and the petitioner is not willing to surrender any portion of the petitioner's land for the formation of road. It is further submitted that they are proposing to tar entire portion of road except portion abutting petitioner's land. It is also submitted that the petitioner has already filed a Civil Suit against the local people and the State alleging illegal encroachment.

Recording the submission that the respondents will not annex any portion of petitioner's land, the writ petition is disposed of.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bpr