

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).NO. 29931 OF 2014 (N)

PETITIONER(S):

- 1. NAFEESA C, AGED 45 YEARS
W/O.RASHEED AHAMMED, THANDUPARAKKAL HOUSE
VANIYAMBALAM P.O, MALAPPURAM 679 339**
- 2. SALIM TP
S/O.RASHEED AHAMMED , THANDUPARAKKAL HOUSE, VANIYAMBALAM P.O
MALAPPURAM 679 339**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI**

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER
PERINTHALMANNA, MALAPPURAM DISTRICT PIN 679 322**
- 2. THE PROJECT DIRECTOR AND PROGRAM COORDINATOR,
MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE SCHEME
(MGNREGS) (KERALA), MALAPPURAM DISTRICT,PIN 676 505**
- 3. THE DISTRICT COLLECTOR ,MALAPPURAM, PIN 676 505**

BY SR.GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).NO. 29931 OF 2014 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE COMPLAINT DATED 6-10-2003 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT**
- P2- TRUE COPY OF THE JUDGMENT IN WPC 8395/2004 DATED 10-06-2004**
- P3- TRUE COPY OF THE REPRESENTATION DATED 7-10-2011 SUBMITTED BY THE 2ND PETITIONER BEFORE THE HON'BLE CHIEF MINISTER**
- P4- TRUE COPY OF THE REPLY DATED 16/2/2012 ISSUED BY THE PROJECT DIRECTOR & JOINT PROGRAMME CO-ORDINATOR OF THE MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE SCHEME (KERALA), MALAPPURAM**
- P5- TRUE COPY OF THE COMPLAINT DATED 17/7/2012 SUBMITTED BY THE 2ND PETITIONER BEFORE THE PROJECT MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE SCHEME (KERALA), MALAPPURAM**
- P6- TRUE COPY OF THE COMPLAINT DATED 17/7/2012 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 3RD RESPONDENT**
- P7- TRUE COPY OF THE APPLICATION SUBMITTED UNDER THE RIGHT TO INFORMATION ACT DATED 13-08-2013**

RESPONDENT(S)' EXHIBITS: NIL

OKB

//TRUE COPY

PA. TO JUDGE

K.HARILAL, J.

W.P(C). No.29931 of 2014

Dated this the 5th day of March, 2015.

JUDGMENT

One decade old grievance of the petitioners is that the 'thodu', which is flowing through their property, has been encroached by the neighbouring property owners residing on both sides of the 'thodu'. Though the 1st petitioner had approached this Court and obtained an order in W.P(C) No.8395/2004 directing the 1st respondent to dispose Ext.P1 petition in that writ petition complaining the alleged encroachment within a period of one month from the date of disposal of the said writ petition, no action had been taken so far. So also, no opportunity of being heard was given to the petitioners so far. Even after the passing of the said order, the encroacher's, who are residing on both sides of the 'thodu', had continued their illegal activities. The respondents have not taken any steps against the said illegal activities in accordance with law. Even after submitting Ext.P4 reply issued by the 2nd respondent before the 3rd respondent, the 3rd respondent also has not taken any steps to redress the grievance of the petitioners.

2. Heard the learned counsel for the petitioners and the learned Government Pleader.

3. Going by the pleadings in the writ petition, it is seen that in the year 2004 the 1st petitioner had approached this Court with the same grievance and had obtained an order directing the 1st respondent to consider and pass orders on the petition filed by her. According to the petitioners, the 1st respondent has not taken any steps pursuant to the said order. Feeling aggrieved, though the 2nd petitioner had filed Ext.P4 complaint before the 3rd respondent, the 3rd respondent also has not taken any steps to redress her grievance.

4. Having regard to the facts and circumstances of the case the 1st respondent is directed to pass orders on Ext.P1 complaint, after affording an opportunity of being heard to the petitioners and also the affected parties, within a period of two months from the date of receipt of a copy of this judgment.

This writ petition is disposed of accordingly.

Sd/-
(K.HARILAL, JUDGE)

okb.