

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 29724 of 2015 (M)

PETITIONER :

**SEBASTIAN, AGED 56 YEARS, S/O.OUSEPH
EDAPULAVAN HOUSE, VALLAM KARA,
CHELAMATTOM VILLAGE, KUNNATHUNADU TALUK**

**BY ADVS.SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM
SRI.N.RAJESH**

RESPONDENTS :

- 1. STATE OF KERALA, REPRESENTED BY
DEPARTMENT OF REVENUE SECRETARIAT
THIRUVANANTHAPURAM - 695001.**
- 2. DISTRICT COLLECTOR, ERNAKULAM
CIVIL STATION KAKKANADU - 682030.**
- 3. TAHSILDAR, KUNNATHUADU TALUK OFFICE,
PERUMBAVOOR - 683542.**
- 4. VILLAGE OFFICE, CHELAMATTOM VILLAGE,
OKKAL P.O., - 683553.**
- 5. EXECUTIVE ENGINEER PWD (ROADS)
DIVISION ALUVA - 683101.**
- 6. ASSISTANT ENGINEER PWD ROADS SECTION
PERUMBAVOOR - 683542.**

BY GOVERNMENT PLEADER SRI. BIJU MEENATOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF SALE DEED O. 1721 DT 26/5/90 OF PERUMBAVOOR SRO.**
- P2: COPY OF SALE DEED NO. 5106 DT 23/9/81 OF PERUMBAVOOR SRO.**
- P3: PHOTOGRAPHS SHOWING THE LIE AND NATURE OF THE PROPERTY AND BUILDING OF THE PETITIONER AND THE PWD ROAD.**
- P4: COPY OF NOTICE NO. P- 23/2011 DT 31.1. 5.**
- P5: COPY OF NOTICE NO. C4-1730/2015 DT 7/9/2015 ISSUED BY TALUK SURVEYOR KUNNATHUNADU TO THE PETITIONER AND OTHERS**

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 29724 of 2015

Dated this the 30th day of September, 2015

JUDGMENT

The petitioner apprehending illegal eviction from land in possession covered by Ext.P1 pursuant to Ext.P5 notice issued by the Taluk Surveyor has approached this Court.

2. It appears that the Taluk Surveyor is attempting to determine the Government land at the instance of PWD.

3. This Court is of the view that if any attempt is being made to evict the petitioner, shall be only after complying the procedure under the Kerala Land Conservancy Act. The petitioner shall be given sufficient notice and also sketch showing any encroachment. The notice shall be given having not less than fifteen days time to the petitioner to respond.

The writ petition is disposed of as above.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE