

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 34963 of 2009 (M)

PETITIONER :

**K.SUBRAMANIAN, S/O.KRISHNAN,
RESIDING AT 12/389, NEW COLONY, CHETTITHERUVU,
PALAKKAD.**

**BY ADVS. SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS
SRI.P.S.APPU
SRI.A.R.NIMOD
SRI.C.A.ANOOP**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
PALAKKAD.**
- 2. THE ASSISTANT EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT (ROAD DIVISION),
PALAKKAD.**
- 3. THE VILLAGE OFFICER,
VILLAGE OFFICE-III, PALAKKAD.**
- 4. MURUKESHAN, S/O.DHANARAJ,
RESIDING AT CHETTITHERUVU, NEW COLONY,
SULTANPET, PALAKKAD.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.SOJAN JAMES
R4 BY ADV. SRI.RAJESH SIVARAMANKUTTY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).NO.34963/2009

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE TITLE DEED DATED 14/7/2008.**
- P2 COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE THIRD
RESPONDENT DATED 19/9/2008**
- P3 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED NIL**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.34963 of 2009

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Dated this the 28th day of September, 2015

JUDGMENT

Alleging that the fourth respondent was unauthorisedly occupying a portion of public road, the petitioner has come up before this Court.

2. The petitioner is the owner in possession of 15.70 cents of property in Sy. No.3034/A2A of Koppam Amsom in Palakkad Taluk as per Ext.P1. He alleges that he was regularly paying tax for the property. The petitioner points out that the fourth respondent is the beneficiary of a land allotted by the Palakkad municipality and he is residing adjacent to the petitioner. The petitioner further alleges that the fourth respondent with the aid of third respondent created documents by annexing a public road leading to the house of the petitioner and that of himself as one belonging to him. As a result of this, there is no access to the property of the petitioner.

3. The Palakkad municipality issued notice to the petitioner asking him to surrender the land for construction of a road. The petitioner alleges that this was the subject matter of W.P(C) No.15524 of 2006 which was disposed of directing the municipality

to verify the title deeds of the petitioner and proceed only thereafter. The petitioner finally approached the first respondent and submitted a detailed representation. However, the first respondent has not considered the same. It is with this background, the petitioner has approached this Court.

4. Arguments have been heard.

As it appears from the prayer that the petitioner is seeking consideration of Ext.P3 representation, the writ petition is disposed of directing the first respondent to consider and pass orders on Ext.P3 after affording the petitioner and the fourth respondent an opportunity of being heard within three months from the date of receipt of a copy of this judgment, if the same has not been disposed of till date.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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