

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

WP(C).No. 31075 of 2015 (H)

PETITIONER(S) :

**K.K.MUHAMMED IQBAL, AGED 42 YEARS,
S/O.KOCHU MUHAMMED, RESIDING AT KUDILIL HOUSE,
ELOOR EAST, UDYOGAMANDAL P.O.**

**BY ADVS.SRI.K.K.ASHKAR
SMT.ASHIRA MOHAMED ASHROF**

RESPONDENT(S) :

- 1. SUPERINTENDING ENGINEER,
PWD (ROADS & BRIDGES), CENTRAL CIRCLE, ALUVA- 683 101.**
- 2. ASSISTANT EXECUTIVE ENGINEER,
PWD, ROADS SUB DIVISION, ALUVA- 683 101.**
- 3. ASSISTANT ENGINEER,
PWD, ROADS SECTION, ALUVA- 683 101.**
- 4. THE DISTRICT COLLECTOR,
ERNAKULAM, CIVIL STATION, KAKKANADU, KOCHI- 30.**
- 5. THE THASILDAR,
PARUR TALUK OFFICE, NEAR COURT COMPLEX, PARUR-683 513.**
- 6. THE VILLAGE OFFICER,
KADUNGALLOOR VILLAGE, MUPPATHADAM- 683 110.**
- 7. ELOOR MUNICIPALITY, REPRESENTED BY ITS SECRETARY,
MUNICIPAL BUILDINGS, UDYOGAMANDAL P.O., PIN- 683 501.**
- 8. SUBIN GEORGE, EDATHALA HOUSE,
NEELESWARAM P.O, KALADY, ERNAKULAM- 683 584.**

R1 TO R6 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: TRUE PRINTOUT OF THE GOOGLE MAP OF ELOOR SHOWING ITS ROAD CONNECTIVITY.

EXHIBIT P2: TRUE COPY OF THE DETAILS OF THE ALUVA-VARAPUZHA ROAD (VIA) IAC MAINTAINED IN PRESCRIBED PROFORMA BY THE 3RD RESPONDENT DATED 16.08.2012.

EXHIBIT P3: TRUE COPY OF THE NEWS APPEARED IN NEW INDIAN EXPRESS DATED 23.09.2013.

EXHIBIT P4: TRUE COPY OF THE CONTRACT AWARDING LETTER DATED 20.07.2015 ISSUED ON BEHALF OF 1ST RESPONDENT TO 8TH RESPONDENT.

EXHIBIT P5: TRUE COPY OF THE LETTER DATED 17.06.2015 ADDRESSED TO THE 5TH RESPONDENT BY THE 3RD RESPONDENT.

EXHIBIT P6: TRUE COPY OF THE SURVEY NOTICE DATED 10.08.2015 ISSUED BY PARUR TALUK SURVEYOR TO MR.VIJAYAN, ONE OF THE ADJACENT LANDHOLDER OF ALUVA-VARAPUZHA ROAD (VIA) IAC.

EXHIBIT P7: TRUE COPY OF THE REPRESENTATION DATED 21.09.2015 MADE BEFORE THE 5TH RESPONDENT BY THE PETITIONER WITH AN ENDORSEMENT OF 5TH RESPONDENT.

EXHIBIT P8: TRUE COPY OF THE ACKNOWLEDGMENT ISSUED BY 1ST RESPONDENT FOR RECEIPT FOR EXT.P7 REPRESENTATION DATED 23.09.2015.

EXHIBIT P9: TRUE COPY OF THE RTI REQUEST DATED 25.09.2015 MADE BY THE PETITIONER BEFORE THE OFFICE OF THE 1ST RESPONDENT

EXHIBIT P10: TRUE PHOTOGRAPHS SHOWING THE STATUS OF ALUVA-VARAPUZHA PWD ROAD (VIA) IAC WITH VARYING BREADTH DUE TO ENCROACHMENTS.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 31075 of 2015

Dated this the 13th October, 2015

JUDGMENT

The petitioner, a resident of Eloor Municipality, complains that no action has been taken by the PWD officials or revenue officials to evict the encroachers on the side of the PWD road.

2. The petitioner submits that there are large number of encroachments between Aluva and Varapuzha PWD road (via) IAC. The petitioner submits that as per Exhibit P2, the length of the road is 1 kilometer and breadth is 8 meters. The petitioner further submits that widening of the road has been started without evicting the encroachers.

This Court is of the view that the second respondent shall enquire into the matter and find out whether there is any encroachment and if it is found that there is any encroachment, necessary action shall be taken to evict

the encroachers. Needful shall be done on urgent basis as the widening of the road is in progress.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs13/10/15