

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. 31131 of 2015 (N)

PETITIONER :

**K.C.OMANA, AGED 53 YEARS D/O. CHATHAN,
KALAPPURAMALAYIL HOUSE, PAMPAKUDA,
MUVATTUPUZHA, ERNAKULAM DISTRICT**

**BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P**

RESPONDENTS :

- 1. K.P.KUNJUMON, NADAKKAL COLONY,
ANCHALPETTY, ONAKKUR, MUVATTUPUZHA,
ERNAKULAM DISTRICT PIN - 686667.**
- 2. PAMPAKUDA GRAMA PANCHAYATH,
PAMPAKUDA P.O., PIN - 686667.
REPRESENTED BY ITS SECRETARY.**
- 3. THE SECRETARY,
PAMPAKUDA GRAMA PANCHAYATH,
PAMPAKUDA P.O. PIN - 686667.**
- 4. THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA, PIN - 686669.**
- 5. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, DEPARTMENT
OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.**

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:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE NOTICE ISSUED BY THE R4 DATED NIL.**
- P2: COPY OF THE NOTICE ISSUED BY THE R3 DT 10/8/2015.**
- P3: COPY OF THE REPLY SUBMITTED BY THE PETITIONER BEFORE THE R3
DT 12/8/2015.**
- P4: COPY OF THE LETTER ISSUED BY THE R3 DT 30/9/2015.**
- P5: COPY OF THE ORDER PASSED BY THE R4 DT 4/6/2015.**

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.MUHAMMED MUSTAQUE, J.

W.P(C).No. 31131 of 2015

Dated this the 13th October, 2015

JUDGMENT

The petitioner has approached this Court aggrieved by Exhibit P5 order passed by the Revenue Divisional Officer to remove encroachment in a public road. The petitioner's case is that she has not encroached any public road and Exhibit P5 order was passed without hearing the petitioner.

In the above view of the matter, this Court is of the view that Exhibit P5 shall be treated as a provisional order. The petitioner shall appear before the Revenue Divisional Officer on 16.10.2015. The Revenue Divisional Officer shall take appropriate decision in the matter after hearing the petitioner. Till a decision is taken by the Revenue Divisional Officer, Exhibit P5 shall not be enforced.

Issue a copy of this judgment today itself.

**A.MUHAMMED MUSTAQUE
JUDGE**

vgs13/10/15