

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 32089 of 2014 (I)

PETITIONER(S):

**K.M. VARGHESE, AGED 80 YEARS,
S/O.LATE K.V.MATHEW,
RESIDING AT KANNAMALA THEKKPARAMBIL,
PUTHUSSERY P.O., MALLAPPALLY, PATHANAMTHITTA DISTRICT,
PIN - 689 583.**

**BY ADVS.SRI.P.RAVINDRA NATH
SRI.N.KRISHNA PRASAD**

RESPONDENT(S):

- 1. KALLOOPPARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KALLOOPPARA P.O.,
PATHANAMTHITTA DISTRICT, PIN - 689 583.**
- 2. THE SECRETARY,
KALLOOPPARA GRAMA PANCHAYAT, KALLOOPPARA P.O.,
PATHANAMTHITTA DISTRICT, PIN - 689 583.**
- 3. THE ASSISTANT ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT,
KALLOOPPARA GRAMA PANCHAYAT, KALLOOPPARA P.O.,
PATHANAMTHITTA DISTRICT, PIN - 689 583.**
- 4. SRI.JACOB MATHEW, AGED 43 YEARS,
S/O.LATE K.MATHEW, SAJI SADANATHIL, THURUTHIKADU P.O.,
THURUTHIKADU MURI, KALLOOPPARA VILLAGE,
MALLAPPALLY TALUK, PIN - 689 597.**
- 5. SRI.BEENA JACOB, AGED 39 YEARS,
W/O.JACOB MATHEW, SAJI SADANATHIL, THURUTHIKADU P.O.,
THURUTHIKADU MURI, KALLOOPPARA VILLAGE,
MALLAPPALLY TALUK, PIN - 689 597.**

**R1 & R2 BY ADV. SRI.R.GIREESH VARMA
R3 BY GOVERNMENT PLEADER SRI.G.GOPAKUMAR
R4 & R5 BY ADV. SRI.P.KURUVILLA JACOB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 32089 of 2014 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE REPORT DATED 14/08/2014.

**EXHIBIT P2: TRUE COPY OF THE NOTICE DATED 27/08/2014 ISSUED TO THE
FOURTH RESPONDENT.**

**EXHIBIT P3: TRUE COPY OF THE NOTICE DATED 27/08/2014 ISSUED TO THE
FIFTH RESPONDENT.**

**EXHIBIT P4: TRUE COPY OF THE NOTICE DATED 11/09/2014 ISSUED TO THE
4TH RESPONDENT.**

**EXHIBIT P5: TRUE COPY OF THE NOTICE DATED 11/09/2014 ISSUED TO THE
5TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.M.SHAFIQUE, J

W.P.C.No.32089 of 2014

Dated this the 15th day of January 2015

J U D G M E N T

Petitioner has approached this Court seeking directions to the Panchayath to implement Exts.P4 and P5. The facts involved in the *writ petition* would disclose that the landlord of building No.189 in Ward No.13 of Kalloopara Panchayath has applied for demolishing the building on the ground that the building is in a dilapidated position. A report has been filed by the Assistant Engineer as per Ext.P1. Pursuant to the same, notice had been issued to the tenants by way of Exts.P2 and P3. Thereafter, it seems that orders had been passed by the Panchayath as Exts.P4 and P5 directing the tenants to evict from building Nos.4/280 and 4/279. This *writ petition* is filed seeking to implement the same.

2. Learned counsel for respondents 4 and 5 submits that they have filed a suit against the petitioner for an injunction to restrain them from forcible eviction of the tenants from the said building and/or demolishing the

structure. But, as far as Exts.P4 and P5 are concerned, the said orders had been passed by virtue of the provisions under the Panchayath Raj Act and the Rules framed thereunder. Panchayath is entitled to direct demolition of a structure which is in a dilapidated condition. However, if respondents 4 and 5 have a different case, it is open for them to challenge Exts.P4 and P5 in appropriate proceedings, if not challenged so far.

In the result, this *writ petition* is disposed of as under:

i) Respondents 4 and 5 are granted one month's time to challenge Exts.P4 and P5 in appropriate proceedings, if not already filed.

ii) Subject to the finality of the said proceedings, there will be a direction to the Panchayath to enforce Exts.P4 and P5 within a further period of one month thereafter.

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

