

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

WP(C).No. 32248 of 2015 (E)

PETITIONER(S):

1. **PI.PAULOSE, AGED 66 YEARS,
S/O P.P. ISSAC , PONNAL HOUSE, OORAMANA,
MUVATTUPUZHA-686 663**
2. **K.V. JACOB, AGED 74 YEARS,
S/O LATE K.C. VARKEY, KOLETHU HOUSE, OORAMANA P.O.,
MUVATTUPUZHA -686 663**
3. **E.M. VARGHESE, AGED 59 YEARS,
S/O MATHAI, ELEMKULATHIL HOUSE, OORAMANA P.O.,
MUVATTUPUZHA -686 663**
4. **V.V. PAULOSE, AGED 63 YEARS,
S/O. V.C VARGHESE, VETTIMATTATHIL, OORAMANA P.O.,
MUVATTUPUZHA -686 663**
5. **JOY THOMAS, AGED 56 YEARS,
S/O K. P. THOMAS, KODIYAT HOUSE, OORAMANA P.O.,
MUVATTUPUZHA -686 663**
6. **C.V. SARAMMA, AGED 64 YEARS,
W/O PAULOSE, MURITHOTTATHIL HOUSE, OORAMANA P.O.,
MUVATTUPUZHA -686 663**
7. **V.P. JOY, AGED 54 YEARS,S/O PAULOSE,
VADAKKANDATHU HOUSE, OORAMANA P.O.,
MUVATTUPUZHA -686 663**

**BY ADVS.SRI.ANIL GEORGE
SRI.JOBY JACOB PULICKEKUDY**

RESPONDENT(S):

1. **THE SUPERINTENDING ENGINEER,
ROADS & BRIDGES, CENTRAL CIRCLE, ALUVA-683 101**
2. **EXECTIVE ENGINEER,
PWD ROADS & BRIDGES, MUVATTUPUZHA-686 663**
3. **THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPATMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001**

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4. THE RAMAMANGALAM GRAMA PANCHAYAT,
OORAMANA P.O, ERNAKULAM DISTRICT,
REP. BY ITS SECRETARY-686 663

5. P.K. CONSTRUCTION COMPANY
REPRESENTED BY ITS MANAGING DIRECTOR,
POTTAIKANDATHIL HOUSE, NEAR NGO QUARTERS,
MUVATTUPUZHA -686 663

R1 TO R3 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE PHOTOCOPY OF THE LAND TAX RECEIPT OF THE 1ST PETITIONER
- EXT.P2: TRUE PHOTOCOPY OF THE LAND TAX RECEIPT OF THE 2ND PETITIONER
- EXT.P3: TRUE PHOTOCOPY OF THE LAND TAX RECEIPT OF THE 3RD PETITIONER
- EXT.P4: TRUE PHOTOCOPY OF THE LAND TAX RECEIPT OF THE 4TH PETITIONER
- EXT.P5: TRUE PHOTOCOPY OF THE LAND TAX RECEIPT IN THE NAME OF VARKEY PAILY WHO IS THE FATHER OF THE 5TH PETITIONER
- EXT.P6: TRUE PHOTOCOPY OF THE LAND TAX RECEIPT OF THE 6TH PETITIONER
- EXT.P7: TRUE PHOTOCOPY OF THE LAND TAX RECEIPT OF THE 7TH PETITIONER
- EXT.P8: TRUE PHOTOCOPY OF THE TENDER AWARDED TO THE 5TH RESPONDENT
- EXT.P9: TRUE PHOTOCOPY OF THE ORDER PASSED BY THE 3RD RESPONDENT DATED 24/2/2015
- EXT.P10: TRUE PHOTOCOPY OF THE MASS REPRESENTATION
- EXT.P11: TRUE PHOTOCOPY OF THE JUDGMENT DT. 3/9/15 IN WPC NO. 14084/15

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.32248 of 2015

Dated this the 11th day of November, 2015

JUDGMENT

Petitioners have approached this Court with the following reliefs:

- i. Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to reconstruct the compound walls if any demolished by them for the widening of the road.
- ii. Issue an order or direction in the nature of mandamus directing the respondents not to proceed with the work till orders are passed in Ext.P10.

2. The petitioners refer to Ext.P9 Government Order. In Ext.P9 Government Order, it is ordered that in the event, retention wall has to be demolished for the widening of the roads, the same has to be reconstructed and the expenses for the same also has to be included in the estimate.

This Court is of the view that appropriate decision shall be taken in this regard by the second respondent after adverting to the petitioners' request. Therefore, following direction is issued:

If the petitioners approach the second respondent with the details within two weeks from the date of receipt of a copy of this judgment, appropriate decision shall be taken thereon within a further period of six weeks after adverting to Ext.P9 Government Order.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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