

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WP(C).No. 32457 of 2015 (F)

PETITIONER(S):

**THOMAS ABRAHAM,
KOORAMATTOM HOUSE, GANDHI NAGAR P.O, MUDIYOORKARA KARA
KOTTAYAM DISTRICT.**

BY ADV. SRI.ENOCH DAVID SIMON JOEL

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
KOTTAYAM.**
- 2. KOTTAYAM MUNICIPALITY,
KOTTAYAM 686 001, REPRESENTED BY ITS SECRETARY.**
- 3. CHACKO KURUVILA,
THOTTATHIL HOUSE, GANDHI NAGAR P.O, MUDIYOORKKARA KARA,
PERUMBAIKKAD, KOTTAYAM DISTRICT. 686 008.**
- 4. BINDHU BOSE,
PULIPPARAYIL HOUSE, GANDHI NAGAR P.O,
MUDIYOORKKARA KARA, PERUMBAIKKAD,
KOTTAYAM DISTRICT. 686 008.**
- 5. KURIAN KOSHY,
THOTTATHIL HOUSE, ARPOOKKARA P.O, ARPOOKKARA KARA
ARPOKKARA VILLAGE, KOTTAYAM DISTRICT. 686 008.**

**R1 BY GOVERNMENT PLEADER SMT.C.K.SHERIN
R2 BY SRI.S.RANJIT (KOTTAYAM), SC,**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE LETTER OF RELINQUISHMENT DATED 16.2.98 ISSUED BY PETITIONERS FATHER IN FAVOUR OF THE KUMARANELLOOR GRAMA PANCHAYAT.
- EXHIBIT P2. COPY OF THE BASIC TAX REGISTER RELATING TO THE PURAMBOKKU POND IN RE.SY.NO.128/4.
- EXHIBIT P3. COPY OF THE ENTRY IN THE SETTLEMENT REGISTER OF THE YEAR 1908 RELATING TO THE POND.
- EXHIBIT P4. COPY OF THE ORDER DATED 15.10.04 ISSUED BY THE REVENUE DIVISIONAL OFFICER, KOTTAYAM.
- EXHIBIT P5. COPY OF THE APPEAL PREFERRED BY THE PETITIONER BEFORE THE 1ST RESPONDENT UNDER SECTION 13A OF THE SURVEY AND BOUNDARIES ACT.
- EXHIBIT P6. COPY OF THE APPEAL PREFERRED BY THE KUMARANELLOOR GRAMA PANCHAYAT BEFORE THE 1ST RESPONDENT.
- EXHIBIT P7. COPY OF THE REPRESENTATION DATED 23.4.15 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P7(A). COPY OF THE RECIEPT ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P8. COPY OF THE REPRESENTATION DATED 29.4.15 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 32457 of 2015

Dated this the 27th day of October, 2015

JUDGMENT

The petitioner approached the District Collector by Ext.P5 alleging that the party respondents reclaimed a pond situated in the Government land.

2. The Kumaranallor Grama Panchayat, which is not a party to this proceedings, also approached the District Collector by Ext.P6 under Section 13(A) of the Kerala Survey and Boundaries Act. It appears that the party respondents taking advantage of mistake in the survey records converted a pond in the Government land.

3. Admittedly Exts.P5 and P6 are pending before the District Collector.

4. This Court is of the view that the District Collector shall take appropriate decision on Exts.P5 and P6 after hearing the petitioner, Kumaranalloor Grama

Panchayat, the Officials of 2nd respondent Municipality and also party respondents. Needful shall be done within a period of three months from the date of receipt of a copy of this judgment. If it is found that the party respondents encroached upon the Government land and have illegally converted a pond, necessary action shall be taken to restore the land into original position.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bpr