

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

WP(C).No. 33497 of 2015 (J)

PETITIONER(S):

**BABU PAUL, S/O.PAULOSE,
AGED 51 YEARS, KUNNATHU KAVALAMKUZHIYIL,
VADAYAMPADDY, IKKARANADU SOUTH VILLAGE,
KUNNATHUNADU, ERNAKULAM.**

**BY ADVS.SRI.PAUL K.VARGHESE,
SMT.A.A.GEETHA.**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD,
ERNAKULAM-682 030.**
- 2. THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA-686 661.**
- 3. THE ADDITIONAL TAHSILDAR,
KUNNATHUNADU, PERUMBAVOOR-683 542.**
- 4. THE VILLAGE OFFICER,
IKKARANADU SOUTH VILLAGE, KOLENCHERRY,
ERNAKULAM DISTRICT-682 311.**

BY GOVT. PLEADER SMT.C.K. SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE SETTLEMENT DEED NO.2611/2014 OF PUTHENCRUZ SRO EXECUTED IN FAVOUR OF THE PETITIONER DATED 03/04/2014.
- EXT.P2 COPY OF THE BUILDING TAX ASSESSMENT REGISTER OF THE LINE BUILDING OF THE PETITIONER DATED NIL.
- EXT.P3 COPY OF THE BUILDING AND COMPOUND WALL OF THE PETITIONER.
- EXT.P4 COPY OF THE NOTICE ISSUED BY THE ADDITIONAL TAHSILDAR DATED NIL.
- EXT.P5 COPY OF THE EXPLANATION FILED BY THE PETITIONER BEFORE THE ADDITIONAL TAHSILDAR DATED 19/08/2015.
- EXT.P6 COPY OF THE ORDER NO.LC3/15/C2 ISSUED BY THE 3RD RESPONDENT DATED 23/09/2015.
- EXT.P7 COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 03/11/2015.
- EXT.P8 COPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 03/11/2015.
- EXT.P9 COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 03/11/2015.
- EXT.P10 COPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 03/11/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.33497 of 2015

Dated this the 3rd day of November, 2015

JUDGMENT

The petitioner, aggrieved by Ext.P6 order of the Additional Tahsildar, Kunnathunadu Taluk, has approached this Court. This order is issued under the Kerala Land Conservancy Act. It is seen that the petitioner was not given an opportunity of being heard.

In that view of the matter, Ext.P6 is treated as a notice. The petitioner shall raise his objection to Ext.P6 within two weeks from the date of receipt of a copy of this judgment. Thereafter, the Additional Tahsildar shall pass orders in this matter after hearing the petitioner within a further period of two weeks. No coercive steps shall be taken against the petitioner based on Ext.P6 unless the final order is passed finding that the petitioner has encroached in the Government land.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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