

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

WP(C).No. 33797 of 2015 (Y)

PETITIONER(S) :

1. SUNANDA RAVEENDRAN AGED 43 YEARS
W/O.RAVEENDRAN, KAITHAVALAPIL HOUSE
PULAKATUKARA, P.O.CHITTISSERY, THRISSUR-680 301.
2. ANTO, AGED 43 YEARS, S/O.CHAKKUNNY,
MOOLEPARAMBIL, THALAVANIKARA
P.O.THALORE, THRISSUR-686 306.
3. SOBHANA, AGED 42 YEARS, VELAYUDHAN
NEDUMPULLY HOUSE, CHENGALLUR.P.O, THRISSUR-680 312.
4. SREENIVASAN, AGED 42 YEARS
S/O.KUTTAN, CHATHAKUNDATH HOUSE
MADAVAKKARA DESOM, CHITTISSERY P.O, THRISSUR-680 301.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S) :

1. THE STATE OF KERALA
REP BY ITS SECRETARY TO THE GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.
2. THE NENMANIKARA GRAMA PANCHAYAT, REP BY
ITS SECRETARY, P.O.CHITTISSERY, THRISSUR-680 301.

R2 BY C.HARI KUMAR

R1 BY ADV.K.A.SANJEETHA, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 33797 of 2015

APPENDIX

PETITIONER(S) ' EXHIBITS

P1: TRUE COPY OF THE DOCUMENT OF TITLE IN THE NAME OF THE FIRST
PETITIONER BEARING NO.1120 OF 2011 DATED 18.3.2011 OF THE NELLAYI SRO
P2: TRUE COPY OF THE TAX RECEIPT IN THE NAME OF THE PREDECESSOR OF THE
FIRST PETITIONER ISSUED DATED 5.8.2010.
P3-TRUE COPY OF THE DOCUMENT BEARING NO.1997 OF 03 DATED 24.4.2003 OF
THE NELLAYI SRO.
P4-TRUE COPY OF THE TAX RECEIPT IN THE NAME OF THE SECOND PETITIONER
DATED 10.4.2015
P5-TRUE COPY OF THE DOCUMENT OF TITLE BEARING NO.1998 OF 03 DATED
24.4.2003 OF THE NELLAYI SRO.
P6-TRUE COPY OF THE TAX IN THE NAME OF THE THIRD PETITIONER ISSUED
DATED 29.5.2014.
P7-TRUE COPY OF THE DOCUMENT OF TITLE IN THE NAME OF THE FOURTH
PETITIONER ANOTHER BEARING NO.4257 OF 2012 DATED 18.9.2012 OF THE
NELLAYI SRO
P8-TRUE COPY OF THE TAX RECEIPT IN THE NAME OF FOURTH PETITIONER DATED
21.4.2015.
P9-TRUE COPY OF THE PHOTOGRAPH DATED NIL

P10-TRUE COPY OF THE RECEIPT ISSUED TOP THE FIRST PETITIONER DATED
29.9.2014 BY THE SECOND RESPONDENT
P11-TRUE COPY OF THE NOTICE ISSUED BY THE SECOND RESPONDENT DATED
27.5.2015.
P12-TRUE COPY OF THE DOCUMENT BEARING NO.1780 OF 85 DATED 20.5.85 OF
THE NELLAYI SRO.
P13-TRUE COPY OF THE ORDER PASSED BY THE SECOND RESPONDENT DATED
31.10.2015.

RESPONDENT(S) ' EXHIBITS

NIL

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

W.P (C) No.33797 of 2015

Dated this the 6th day of November, 2015

J U D G M E N T

Ext.P13 order directing the encroachment to be removed is very much appealable under Sec.271(S) read with 276(4) of the Kerala Panchayath Raj Act. Ext.P13 order passed by the Panchayath involves many factual and legal questions which need to be adjudicated by a Tribunal only.

2. The petitioners are free to challenge Ext.P13 order in an appeal before the Tribunal for Local Self Government Institutions. Ext.P13 order shall not be implemented for a period of two months within which the petitioners can move the Tribunal if so advised.

The Writ Petition is disposed of.

V.CHITAMBARESH, Judge.

sks

