

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 34167 of 2014 (U)

PETITIONER:

M.A.BHASKARA PANICKER,
MUDEETHARAYIL RESHMI NIVAS, KAITHAKODI, AYROOR,
RANNI TALUK, PATHANAMTHITTA.

BY ADVS.SRI.JACOB P.ALEX
SRI.JOSEPH P.ALEX

RESPONDENTS:

1. THE SECRETARY,
RANNY - ANGADI GRAMA PANCHAYAT, ANGADI P.O., RANNY,
PATHANAMTHITTA, PIN 689 674.
2. K.V.BIJUKUMAR
KUNNEL, VAKATHANAM, CHANGANACHERRY,
(PRESENTLY RESIDING AT BUILDING NO.4/121,
OPPOSITE ANGADI POST OFFICE, ANGADI P.O.
RANNY PIN 689 674).
3. SINDHU BIJUKUMAR @ SINDHU BIJU,
KUNNEL, VAKATHANAM, CHANGANACHERRY,
(PRESENTLY RESIDING AT BUILDING NO.4/121
OPPOSITE ANGADI POST OFFICE, ANGADI P.O., RANNI
PIN 689 674).

R2-R3 BY ADV. SRI.M.P.MADHAVANKUTTY
R1 BY ADV. SRI.ASOK M.CHERIAN
R1 BY ADV. SRI.R.ROHITH
R1 BY ADV. SRI.K.JANARDHANA SHENOY
R1 BY ADV. SMT.S.RAKHEE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1: TRUE COPY OF THE NOTICE BEARING NO.C5- 213/07 DATED 24.11.2009 ISSUED TO THE 3RD RESPONDENT.

EXHIBIT-P2:TRUE COPY OF THE NOTICE BEARING NO.C5-112/08 DATED 15.12.2009 ISSUED TO THE 3RD RESPONDENT.

EXHIBIT-P3:TRUE COPY OF THE APPLICATION DATED 05.11.2014 ISSUED BY THE PETITIONER BEFORE THE INFORMATION OFFICER OF THE RANNY- ANGADI GRAMA PANCHAYAT.

EXHIBIT-P4: TRUE COPY OF THE REPLY TO EXHIBIT-P3.

EXHIBIT-P5: TRUE COPY OF THE ORDER DATED 9.02.2014 IN APPEAL NO.7 OF 2010 ON THE FILES OF TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.

EXHIBIT-P6: TRUE COPY OF THE REPRESENTATION DATED 02.12.2014 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 34167 of 2014 (U)

Dated this the 22nd day of January, 2015.

JUDGMENT

Heard the learned counsel for the petitioner, the learned counsel for the 1st respondent and the learned counsel for respondents 2 and 3, apart from perusing the record.

Briefly stated, initially the 1st respondent issued Exts.P1 and P2 stop memos to demolish a portion of the structure said to have been illegally raised by the respondents 2 and 3. Aggrieved thereby, they approached the Tribunal for Local Self Government Institutions, which, in fact, passed Ext.P5 order setting aside Exts.P1 and P2 stop memos, apart from directing the 1st respondent to consider the issue afresh in accordance with law.

The grievance of the petitioner is that despite such direction by the Tribunal through Ext.P5, so far the 1st respondent has not initiated any action vis-a-vis the alleged illegal constructions raised by respondents 2 and 3.

Complaining that though the petitioner submitted Ext.P6 representation in that regard, no further action has been taken, he has approached this Court.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner, the learned counsel for the 1st respondent as well as the learned counsel for respondents 2 and 3, this Court, without adverting to the merits of the matter, disposes of the writ petition with a direction to the 1st respondent to consider the petitioner's Ext.P6 representation keeping in view the directions issued in Ext.P5, and pass appropriate orders thereon, after affording an opportunity of personal hearing to the petitioner as well as respondents 2 and 3, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

