

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

WP(C).No. 34360 of 2014 (T)

PETITIONER:

M.A.VINCENT,
S/O. ANCILY, MOONJELI HOUSE,
ST.BENEDICT 4TH CROSS ROAD,
ERNAKULAM, KOCHI-682 018.

BY ADV. SRI.J.JULIAN XAVIER

RESPONDENT(S) /RESPONDENT:

1. COCHIN CORPORATION
OFFICE OF THE COCHIN CORPORATION, PARK AVENUE ROAD
COCHIN-682011, REPRESENTED BY ITS SECRETARY.

2. THE TAHSILDAR
KANAYANNUR TALUK, ERNAKULAM.

ADDL. 3. SECRETARY,
ST.BENEDICT ROAD CENTRAL,
RESIDENTS ASSOCIATION,
REPRESENTED BY ANNA VINCENT,
ARAKKAL HOUSE, ST.BENEDICT
4TH CROSS ROAD, KOCHI-682018.

ADDL. 4. V.S.YAMUNA,
VAZHOOR HOUSE,
ST.BENEDICT 4TH CROSS ROAD,
KOCHI - 682 018.

(ADDL.R3 & R4 ARE IMPEADED AS PER ORDER DT.16.1.2015
IN I.A.679/15)

R1 BY ADV. SRI.E.D.GEORGE,SC,COCHIN CORPORATION
RADDL.R3&4 BY ADV. DR.K.P.SATHEESAN (SR.)
RADDL.R3&4 BY ADV. SRI.M.R.JAYAPRASAD
RADDL.R3&4 BY ADV. SRI.P.MOHANDAS (ERNAKULAM)
RADDL.R3&4 BY ADV. SRI.ANOOP.V.NAIR
RADDL.R3&4 BY ADV. SRI.S.VIBHEESHANAN
RADDL.R3&4 BY ADV. SRI.N.MANU THAMPI
R BY GOVERNMENT PLEADER SHRI RAFAEEK
R BY SRI.P.K.SOYUZ,SC,COCHIN CORPORATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE SALE DEED NO. 2312/1955 OF SRO
ERNAKULAM.

EXHIBIT P2- TRUE COPY OF THE JUDGMENT DATED 21-03-2012 IN WPC NO.
25614/2011.

EXHIBIT P3- TRUE COPY OF THE PROCEEDINGS OF THE SECRETARY OF THE 1ST
RESPONDENT DATED 3-06-2013.

EXHIBIT P4- TRUE COPY OF THE ORDER OF THE LEARNED TRIBUNAL FOR LOCAL
SELF GOVERNMENT INSTITUTIONS, TRIVANDRUM IN APPEAL NO. 556/2013 DATED
19-06-2014.

EXHIBIT P5- TRUE COPY OF THE SKETCH PREPARED BY THE TALUK SURVEYOR,
KANAYANNUR TALUK ISSUED UNDER RTI ACT.

EXHIBIT P6- TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE
THE TAHSILDAR, KANAYANNUR TALUK.

EXHIBIT P7- TRUE COPY OF THE ORDER DATED 8-12-2014 PASSED BY THE 1ST
RESPONDENT SERVED TO THE PETITIONER ON 15-12-2014.

EXHIBIT P8- TRUE COPY OF THE ADVOCATE COMMISSION REPORT IN
O.S.NO.834/2012 ON THE FILE OF THE LEARNED MUNSIF'S COURT,
ERNAKULAM.

RESPONDENT(S) ' EXHIBITS

EXT.R3(a): TRUE COPY OF THE COMMUNICATION GIVEN BY THE DIRECTOR OF
MUNICIPALITIES TO THE ADDITIONAL 4TH RESPONDENT DATED 25.02.2012.

EXT.R3(b): TRUE COPY OF THE NOTICE ISSUED BY THE TALUK SURVEYOR,
KANAYANNUR TALUK DATED 1.10.2014.

EXT.R3(c): TRUE COPY OF THE ORDER PASSED BY THE OMBUDSMAN FOR LOCAL
SELF GOVERNMENT INSTITUTIONS DATED 20.12.2014 IN COMPLAINT
NO.1440/2011.

EXT.R3(d): TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE TALUK
SURVEYOR IN O.S.NO.834/2012 BEFORE THE MUNSIF'S COURT, ERNAKULAM.

EXT.R3(e): TRUE COPY OF THE ORDER IN I.A.NO.169/2014 IN
O.S.NO.834/2012 DT.7.1.2014 OF THE II ADDITIONAL MUNSIF'S COURT,
ERNAKULAM.

EXT.R3(f): TRUE COPY OF THE JUDGMENT DATED 7.1.2014 IN
O.S.NO.834/2012 OF THE II ADDITIONAL MUNSIF'S COURT, ERNAKULAM.

/TRUE COPY/

P.S TO JUDGE

P.V.ASHA, J.

W.P(c) No.34360 of 2014

Dated this the 11th day of June, 2015

JUDGMENT

The learned counsel appearing for the petitioner submits that he will be satisfied with a direction to the 2nd respondent to dispose of the appeal, which has been produced as Ext.P6 in the Writ Petition, with notice to all parties concerned.

2. According to the petitioner, if the measurement of the property is taken correctly, he will not have to demolish the compound wall in terms of the direction of the Municipal Corporation.

In the above circumstances, there will be a direction to the 2nd respondent to consider and pass orders on Ext.P6 appeal, with notice to all parties including the petitioner, additional respondents 3 and 4 and any other person likely to be affected and also the Corporation of Cochin, within a period of three months. In the meanwhile status quo shall be maintained.

This Writ Petition is disposed of accordingly.

Sd/-
(P.V.ASHA, JUDGE)

rtr/

/true copy/