

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 34597 of 2014 (Y)

PETITIONER

**ALICE N.A @ ALICE JUDESON, AGED 46 YEARS
W/O.JUDESON, CHERUKADAVIL HOUSE, THURUTHEPARAMBU ROAD
AYYANAD, VAZHAKKALA VIA, P.O.THRIKKAKARA
KAKKANAD-682021.**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA**

RESPONDENT(S):

- 1. THRIKKAKARA MUNICIPALITY
REPRESENTED BY SECRETARY, MUNICIPALITY OFFICE
THRIKKAKARA, KAKKANAD-682030.**
- 2. THE SECRETARY
THRIKKAKARA MUNICIPALITY, MUNICIPALITY OFFICE
THRIKKAKARA, KAKKANAD-682030.**
- 3. MARIYAMMA GEORGE
W/O.JOE VARGHESE, KUDAMPULICKAL HOUSE
THURUTHEPARAMBU ROAD, AYYANAD, VAZHAKKALA VIA
P.O.THRIKKAKARA, KAKKANAD-682021.**

**R3 BY ADV. SRI.M.G.SREEJITH
R BY SRI.S.SHANAVASKHAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 34597 of 2014 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 :** **TRUE COPY OF THE TITLE DEED DT.28-10-03 IN FAVOUR OF PETITIONER.**
- EXT.P2 :** **TRUE COPY OF THE COMPLAINT MADE BEFORE R2 ON 20-9-14.**
- EXT.P3 :** **TRUE COPY OF THE NOTICE DT.27-10-14 ISSUED BY R2 TO R3.**
- EXT.P4 :** **TRUE COPY OF THE REPRESENTATION DT.18-11-14 ALONG WITH RECEIPT ISSUED FROM R1.**
- EXT.P5 :** **TRUE COPY OF THE REPLY DT.7-11-14 SUBMITTED BY R3 TO EXT.P3.**

RESPONDENT(S)' EXHIBITS

- EXT.R3(1)** **COPY OF JUDGMENT DATED 11-11-2014 IN W.P.C NO.29776/2014**

TRUE COPY

P.A TO JUDGE

SMM

DAMA SESHADRI NAIDU, J.

.....
W.P.C. No. 34597 of 2014
.....

Dated this the 23rd day of March, 2015.

J U D G M E N T

Based on Ext.P2 complaint of the petitioner, the second respondent undertook a site inspection and issued Ext.P3 notice directing the third respondent to remove the gate allegedly put up by the third respondent barring a private pathway. Eventually, questioning the inaction of the second respondent in enforcing Ext.P3 notice, the petitioner has filed the present writ petition.

2. The learned Counsel for the respondent Municipality has drawn my attention to Ext.R3(a) judgment of this Court in W.P(C)No.29776/2014 filed by the third respondent herein, against whom the said notice was given.

3. As can be seen, this Court in Ext.R3(a) judgment directed the first and second respondents to consider the explanation said to have been submitted by the third

respondent herein and pass appropriate orders thereon, after affording an opportunity of hearing to the petitioner as well as the third respondent.

4. Both the learned counsel for the petitioner and the respondent Municipality have submitted in unison that in the light of Ext.R3(a) judgment of this Court, no further adjudication is required in the present writ petition.

5. It is reported by the learned Counsel for the petitioner that the time fixed in Ext.R3(a) judgment has already expired.

Accordingly, this Court further directs that the respondent Municipality shall consider the issue, as has been directed in Ext.R3(a), as expeditiously as possible, at any rate, within thirty days from the date of receipt of a copy of this judgment. With the above observations, the writ petition stands disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

