

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 34824 of 2015 (C)

PETITIONER :

**P.V. RATHEESH @ MANI, AGED 55 YEARS,
S/O.VASUDEVAN NAIR, PEECHAMPILLY VEEDU,
PONJASSERRY P.O., VENGOLA VILLAGE,
ERNAKULAM DISTRICT.**

BY ADV. SRI.VIPIN NARAYAN

RESPONDENT(S):

- 1. THE EXECUTIVE ENGINEER,
PWD ROADS DIVISION, MUVTTUPUZHA.**
- 2. THE ASSISTANT EXECUTIVE ENGINEER,
PWD ROADS DIVISION, PERUMBAVOOR.**
- 3. SUB INSPECTOR OF POLICE,
PERUMBAVOOR POLICE STATION,
PERUMABVOOR.**
- 4. VENGOLA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, VENGOLA.P.O.**
- 5. ARMAN,
S/O.ANTHRU, ELAVANKUDY HOUSE, PONJASSERRY P.O.,
VENGOLA VILLAGE, ERNAKULAM DISTRICT**

R1 TO R3 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 34824 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE SALE DEED NO.3397/1991 OF THE S.R.O., PERUMBAVOOR.**
- EXHIBIT-P2: TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED TO THE PETITIONER FROM ARAKKAPPADY VILLAGE OFFICE.**
- EXHIBIT-P3: TRUE COPY OF THE ROUGH SKETCH OF THE PROPERTY.**
- EXHIBIT-P4: TRUE COPY OF THE LAND TAX RECEIPT PERTAINING TO THE PROPERTY.**
- EXHIBIT-P5 : PHOTOGRAPHS SHOWING THE ENCROCHMENT AND THE SHED.**
- EXHIBIT-P6: TRUE COPY OF THE COMPLAINT PREFERRED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 12.10.2015.**
- EXHIBIT-P7: TRUE COPY OF THE COMPLAINT PREFERRED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 12.10.2015.**
- EXHIBIT-P8: TRUE COPY OF THE COMPLAINT PREFERRED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 12.10.2015.**
- EXHIBIT-P9: TRUE COPY OF THE COMPLAINT PREFERRED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 12.10.2015.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.34824 of 2015

Dated this the 18th day of November, 2015

JUDGMENT

The petitioner approached the first respondent alleging encroachment of PWD road margin by the fifth respondent. Ext.P6 is the complaint.

This Court is of the view that the first respondent shall enquire into the matter through subordinates and find out whether there is any encroachment. If there is any encroachment, necessary action shall be taken to remove the encroachment after issuing notice to the fifth respondent. Necessarily, before taking a final decision, the petitioner shall also be heard. Appropriate action shall be initiated within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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