

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 35295 of 2014 (J)

PETITIONER:

CHANDRASEKHARAN, AGED 55 YEARS,
S/O. NARAYANAN, MANGALATHU CHIRA,
VARANAD P.O., CHERTHALA, ALAPPUZHA.

BY ADV. SRI. B. PRAMOD

RESPONDENTS:

1. THANNEERMUKKOM GRAMA PANCHAYATH
THANNEERMUKKOM P.O., CHERTHALA,
REP. BY ITS SECRETARY 688 524.

2. THE SECRETARY, THANNEERMUKKOM
GRAMA PANCHAYATH, THANNEERMUKKOM P.O.,
CHERTHALA 688 524.

Addl.3. SASIKUMAR M.A, AGED 46, S/O. ANANDHAN,
MELEPOKKATTU HOUSE, VARANADU PO.,
KOKOTHAMANGALAM VILLAGE, CHERTHALA, PIN - 690 501.

Addl.4. PRASAD M.N., S/O. NARAYANAN MELEPPOKKATTU,
VARANAD PO, CHERTHALA PIN - 690 501.

Addl.5. SATHYAN M.N., S/O. NARAYANAN,
MELEPPOKKATTU, VARANAD PO
CHERTHALA, PIN - 690 501.

Addl.6. RATHEESH, S/O. APPUKUTTAN,
MELEPPOKKATTU, THEKKATHIL,
VARANAD PO, CHERTHALA, PIN - 690 501.

Addl.7. ARUN.S., S/O. APPUKUTTAN,
MELEPPOKKATTU THEKKATHIL,
VARANAD PO, CHERTHALA, PIN - 690 501.

ADDL.R3 TO R7 ARE IMPEADED AS PER ORDER DATED 07.01.2015 IN IA 17666/14.

RADDL R 3-R7 BY ADV. SRI. M. G. SREEJITH
R1&2 BY ADV. SRI. JOBY CYRIAC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE SECRETARY OF THE 2ND RESPONDENT.
- EXT.P2 : TRUE COPY OF THE PLAN APPROVED BY THE SECRETARY OF THE 2ND RESPONDENT.
- EXT.P3 : TRUE COPY OF THE JUDGMENT DATED 1/12/2014 IN WPC NO.27615/2014.
- EXT.P4 : TRUE COPY OF THE STOP MEMO DATED 19/12/2014 ISSUED BY THE 2ND RESPONDENT.
- EXT.P5 : TRUE COPY OF THE COMMISSIONER REPORT ALONG WITH ENGLISH TRANSLATION FILED IN OS NO. 776/2014 BEFORE THE MUNSIFF'S COURT, CHERTHALA.
- EXT.P6 : TRUE COPY OF THE ORDER DATED 03.12.2014 ALONG WITH ENGLISH TRANSLATION FILED IN IA NO. 4761/2014 IN OS NO. 776/2014 BEFORE THE MUNSIFF'S COURT, CHERTHALA
- EXT.P7 : TRUE COPY OF THE JUDGMENT DATED 20.12.2014 IN RP NO. 1051/2014 IN WP(C) NO. 27615/2014

RESPONDENT(S)' EXHIBITS

- EXHIBIT R3(1) : TRUE COPY OF APPEAL NO. 28/2014 PENDING BEFORE THE 2ND RESPONDENT
- EXHIBIT R3(2) : TRUE COPY OF THE ORDER IN IA 4761/2014 IN OS NO. 766/2014 PENDING BEFORE THE ADDL. MUNSIFF COURT, CHERTHALA.
- EXHIBIT R3(2a) TRUE COPY OF IA 4761/2014 IN OS NO. 766/2014 PENDING BEFORE THE ADDL. MUNSIFF COURT, CHERTHALA
- EXHIBIT R3(2b) ENGLISH TRANSLATION OF R3 2(a)
- EXHIBIT R3(3) TRUE COPY OF THE APPEAL NO. 1303/2014 FILED BEFORE THE TRIBUNAL FOR LOCAL SELF GOVERNMENT.
- EXHIBIT R3(4) SERIES ORIGINAL PHOTOGRAPHS.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 35295 OF 2014

Dated this the 12th day of October, 2015

JUDGMENT

Ext.P4 stop memo issued by the second respondent is impugned. It is open to the petitioner to file a detailed objection thereto. Any objection filed within three weeks from today shall be dealt with within three weeks therefrom.

2. The exercise as above shall be conducted after notice to the petitioner as well as additional respondents 3 to 7. An inspection of the property shall also be conducted with due notice to the parties. This is to ensure whether the petitioner has encroached into any portion of the public pathway as alleged.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd