

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

WP(C).No. 35298 of 2015 (J)

PETITIONER:

**K.J.MANI, AGED 42 YEARS,
S/O.JOSEPH, KUTHANAPPILLIL(H),
THADIYAMPADU.P.O., VAZHATHOPPE,
IDUKKI - 686 502.**

**BY ADVS.SRI.M.B.SANDEEP
SMT.R.PRIYA
SRI.B.SURJITH
SRI.VISAKH ANTONY**

RESPONDENT(S):

- 1. THE EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD.,
EXECUTIVE ENGINEER OFFICE,
RESEARCH & DAM SAFETY DIVISION NUMBER 2,
IDUKKI COLONY.P.O., VAZHATHOPPE,
IDUKKI DIST., PIN - 686 502.**
- 2. VAZHATHOPE GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
VAZHATHOPPE, IDUKKI, PIN - 686 502.**

R1 BY SRI.SAJEEVKUMAR K.GOPAL,SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

EXT. P1 : TRUE COPY OF THE OWNERSHIP CERTIFICATE DATED 10.9.2015.

EXT. P2 : TRUE COPY OF THE NOTICE DATED 2.11.2015.

EXT. P3 : TRUE COPY OF THE ORDER NO.A3-7852/2015 DATED 2.11.2015.

EXT. P4 : TRUE COPY OF THE NOTICE DATED 17.11.2015.

EXT. P5 : TRUE COPY OF THE REPLY NOTICE DATED 19.11.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 35298 of 2015

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Dated this the 21st day of November, 2015

J U D G M E N T

The petitioner approached this Court aggrieved by Ext.P3 order issued by the Secretary, Vazhathope Grama Panchayat. The petitioner submits this notice was issued without giving an opportunity. It appears that Kerala State Electricity Board /first respondent also issued a notice to the petitioner stating that this illegal construction will cause threat to the 'Cheruthoni Dam'. It is in the meanwhile Panchayath also issued a notice stating that the petitioner has illegally constructed the building without permit.

2. This Court is of the view that the petitioner shall raise his objection to the Panchayath to Ext.P3 within one week from the date of receipt of the copy of this judgment. Thereafter the Panchayath shall take a decision after hearing the petitioner as well as the Board officials within further period of three weeks. Till a decision is taken by the Secretary as above, no coercive steps shall be taken against the petitioner.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE

