

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 35927 of 2015 (M)

PETITIONER:

**SHAREEF K, AGED 45 YEARS,
S/O.KUNHALAN KUTTY,
KANKUNNATHU HOUSE, CHITTAPPURAM,
P.O.PATTITHARA, PALAKKAD DISTRICT, PIN - 679 534.**

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR, PALAKKAD,
PALAKKAD - 678 001.**
- 2. DEPUTY COLLECTOR(LR), PALAKKAD,
PALAKKAD - 678 001.**
- 3. ASSISTANT ENGINEER,
MINOR IRRIGATION SECTION,
TRITHALA, P.O.TRITHALA,
PALAKKAD DISTRICT - 679 534.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE COPY OF THE PARTITION DEED 3205/04 BEFORE THE S.R.O,
TRITHALA.
- EXT. P2 : TRUE COPY OF THE NOTICE DATED 19.11.2015 ISSUED BY THE
3RD RESPONDENT.
- EXT. P3 : TRUE COPY OF THE ORDER ISSUED BY THE DISTRICT COLLECTOR
DATED 5.11.2015.

RESPONDENTS' EXHIBITS: NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 35927 of 2015

Dated this the 27th day of November, 2015

JUDGMENT

The petitioner is the owner of the land and property with a total extent of 18.6 Ares in R.S.No.262/3, 262/2 and 262/1B of Pattithara Village, Aaloor Desom, Ottappalam Taluk in Palakkad District.

2. The petitioner submits that this is a garden land, he needs to construct a house therein.

3. The petitioner approached this Court being aggrieved by the order of the District Collector allowing flow of water from canal in connection with Trithala Lift Irrigation Project through the petitioner's property. He also submits that this order is passed without hearing him.

4. This Court is of the view that if the petitioner has any objection, the petitioner shall appear before the

District Collector and raise such objection. Certainly, the District Collector will consider such objection. Therefore, the writ petition is disposed of with the following directions :

The petitioner shall appear before the District Collector on 03.12.2015 at 11 a.m. and shall raise his objection. The District Collector shall consider the objection and pass appropriate orders.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bpr