

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

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

WP(C).No. 35985 of 2015 (W)

PETITIONER:

BHARGAVI PANIKKER AGED 75 YEARS
W/O.KRISHNAN, VALLIPPARAMBIL HOUSE, KUZHIKKALA P.O
MALLAPPUZHASSERY VILLAGE, KOZHENCHERY TALUK
PATHANATHITTA DISTRICT PIN 689 644

BY ADVS.SRI.R.RAMESH
SRI.R.UMASANKAR

RESPONDENTS:

1. THE MALLAPPUZHASSERY GRAMA PANCHAYATH
PUNNAYKKAD P.O, MALLAPPUZHASSERY VILLAGE
KOZHENCHERY TALUK
PATHANATHITTA DISTRICT PIN 689 652
REPRESENTED BY ITS SECRETARY

2. MOHANAN, AGED 60 YEARS
FATHERS NAME NOT KNOWN, THUNDIYIL HOUSE
KUZHIKKALA P.O, MALLAPPUZHASSRY VILLAGE
KOZHENCHERY TALUK
PATHANATHITTA DISTRICT PIN 689 644

3. THANKAPPAN, AGED 70 YEARS
FATHERS NAME NOT KNOWN, THUNDIYIL HOUSE
KUZHIKKALA P.O, MALLAPPUZHASSERY VILLAGE
KOZHENCHERY TALUK
PATHANAMTHITTA DISTRICT PIN 689 644

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

WP(C).No. 35985 of 2015 (W)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 THE TRUE COPY OF THE SALE DEED NO 507 OF 1988 OF
KOZHENCHERY S.R.O DATED 4-05-1988

EXHIBIT P2 THE TRUE COPY OF THE COMPLAINT DATED 16-06-2015

EXHIBIT P3 THE TRUE COPY OF THE COMPLAINT DATED 30-06-2015

EXHIBIT 3(A) THE TRUE COPY OF THE ACKNOWLEDGEMENT EVIDENCING THE
RECEIPT OF THE COMPLAINT DATED 30-06-2015.

RESPONDENT(S) ' EXHIBITS ; NIL

TRUE COPY

P.S TO JUDGE

AL/-

K.HARILAL, J.

W.P.(C) No.35985 of 2015

Dated this the 27th day of November, 2015

JUDGMENT

1. Petitioner is a resident of Mallappuzhassery Grama Panchayath. The panchayat road namely Kallumpurath Padichakkipadi road passes on the western side of the residence of the petitioner and the said road is having a width of 3.5 meters and even large lorries were plying through the said road. The respondents 2 and 3 are the residents on the western side of the said panchayat road. Recently they began to construct a compound wall on the eastern side of their property abutting the panchayat road. After noticing the fact that the compound wall was being put up in a manner encroaching the road and thereby reducing its width, the petitioner brought the matter to the notice of the first respondent by filing Ext.P2. But, Ext.P2 has not been considered so far though, the petitioner reminded the pendency of Ext.P2, by submitting Ext.P3. This is the grievance highlighted in this writ petition.

2. Heard the learned counsel appearing for the writ petitioner and the learned counsel confined his argument to the limited prayer to issue a

direction to the respondent to consider and pass orders on Ext.P3.

3. Having regard to the grievances projected in the writ petition and the submissions made at the Bar, the first respondent is directed to consider and pass orders on Ext.P3 at the earliest, at any rate, within a period of two weeks from the date of receipt of a copy of this judgment, after affording an opportunity of being heard to the petitioner and the Respondents 2 and 3.

The writ petition is disposed of as above.

Sd/-

K.HARILAL, Judge

al/-

True copy

P.S to Judge