

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C) .No. 37520 of 2015 (L)

PETITIONER(S) :

JAMES JOSEPH, AGED 52 YEARS,
MALAYAPPALLIL HOUSE,
PULIKKALLU P.O., MANIMALA VILLAGE,
KANJIRAPILLY TALUK, KOTTAYAM-686 544.

BY ADVS.SRI.R.MURALEEKRISHNAN
SMT.T.M.RESHMY

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM DISTRICT - 686 001.

2. MANIMALA GRAMA PANCHAYATH,
KOTTAYAM DISTRICT - 685 543,
REP. BY ITS SECRETARY.

3. THE VILLAGE OFFICER,
MANIMALA VILLAGE, KOTTAYAM DISTRICT - 686 543.

4. THE TAHASILDAR,
KANJIRAPPILLY TALUK,
KOTTAYAM DISTRICT - 686 009.

5. MOHAMMED BASHEER,
MANNUVAYALIL, PULIKKALLU P.O.,
KARIKATTOOR - 686 544.

6. SALIM,
MANNUVAYALIL, PULIKKALLU P.O.,
KARIKATTOOR - 686 544.

7. SHAHUL HAMMED,
PULIKKAL VEEDU, PULIKKALLU P.O.,
KARIKATTOOR - 686 544.

8. ASHRAF,
MANNUVAYALIL, PULIKKAL VEEDU, PULIKKALLU P.O.,
KARIKATTOOR - 686 544.

9. SHAKEELA ABDUL KARIM,
PULIKKAL VEEDU, PULIKKALLU P.O.,
KARIKATTOOR - 686 544.

10. LAILA BEEVI,
PULIKKAL VEEDU, PULIKKALLU P.O.,
KARIKATTOOR - 686 544.

11. SOMARAJAN,
NARAYANA MANGALAM, PULIKKALLU P.O.
KARIKATTOOR - 686 544.

12. TOMY THOMAS,
MUKKATTU, PULIKKALLU P.O., KARIKATTOOR - 686 544.

13. PRADEEP KUMAR
NARAYANA SADANAM, MANIMALA P.O.,
MANIMALA - 686 544.

14. K.J.ANTONY,
KANICHERIL, PULIKKALLU P.O.,
KARIKATTOOR - 686 544.

R1 - R4 BY GOVERNMENT PLEADER SMT. SANJEETHA K.A.

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

WP(C) .No. 37520 of 2015 (L)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 - TRUE COPY OF THE REPRESENTATION PREFERRED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P2 - TRUE COPY OF THE LETTER DT. 05.5.2015 ISSUED BY
THE 1ST RESPONDENT.

EXT.P3 - TRUE COPY OF THE SAID ORDER DT. 23.7.2015
ISSUED BY THE 4TH RESPONDET TO THE 2ND RESPONDENT.

EXT.P4 - TRUE COPY OF THE REQUEST DT. 26.9.2015 SUBMITTED
BY THE PETITIONER TO THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS

NIL

//true copy//

P.S. to Judge

K. HARILAL, J.

W.P. (C) No.37520 of 2015-L

Dated this the 10th day of December, 2015

JUDGMENT

The petitioner is a native of Manimala Grama Panchayat. According to the petitioner, in the 13th Ward of the said Panchayat at Perunnelkavala Junction, a canal runs adjacent to the Kottangal - Perunnelkavala Road. Due to scarcity of water, the residents of the locality mainly depend on the said canal, for their day-to-day needs and for agricultural purposes. But, the respondents 5 to 14 encroached the puramboke land, adjacent to the canal, and filled the same with sand, and made it a part of their respective properties. Some of the respondents ventured into constructing compound wall in the reclaimed portion of the public canal and annexed the

puramboke with their property. By Ext.P1, the 1st respondent ordered enquiry into the subject matter and directed the Revenue authorities to take necessary action upon it. Thereafter, the respondents 3 and 4 conducted a detailed enquiry into the illegal encroachment and the petitioner's complaint was found true. Thereafter, the 4th respondent issued an order dated 23/7/201, directing the 2nd respondent to take urgent and immediate steps, to remove the illegal encroachment with the assistance of the Taluk Surveyor and with police protection. The grievance of the petitioner is that the 2nd respondent has not complied the direction in Ext.P3 order and has not cared to take action against the illegal encroachment mentioned in Exts.P1 and P3. Thus, the petitioner has sought for a direction to implement Ext.P3 order.

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. The learned counsel for the petitioner confines his arguments to the limited relief of issuing a

direction to the 2nd respondent to consider and pass orders on Ext.P4.

4. Having regard to the grievance ventilated in Ext.P4, the same deserves to be considered and addressed by the 2nd respondent, at the earliest for the interest of the general public also. Therefore, the 2nd respondent is directed to consider and pass orders on Ext.P4, after affording an opportunity of being heard to the petitioner also, within a period of one month from the date of receipt of a copy of this judgment.

This writ petition is disposed of accordingly.

(K. HARILAL, JUDGE)

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