IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 02ND DAY OF DECEMBER 2020 / 11TH AGRAHAYANA, 1942

WP(C).No.14603 OF 2017(A)

PETITIONER:

KRISHNAN.O.P,
S/O.O.P.KRISHNAN NAMBUDIRI, AGED 43, PATHRISSERY ILLAM, CHATHAMANGALAM POST, POLAKKODE VILLAGE, KOZHIKODE TALUK, KOZHIKODE DISTRICT.

BY ADV. SHRI.SHERRY J. THOMAS

RESPONDENTS:

1 **CHATHAMANGALAM GRAMA PANCHAYATH**
CHATHAMANGALAM VILLAGE, NIT CAMPUS P.O, KOZHIKODE 673 601, REPRESENTED BY ITS SECRETARY.

2 **ASSISTANT ENGINEER**
LSGD, CHATHAMANGALAM GRAMA PANCHAYATH, CHATHAMANGALAM VILLAGE, NIT CAMPUS P.O, KOZHIKODE 673 601.

3 **KRISHNAN.P**
S/O NARAYANAN NAIR, AGED 45, PULANCHERI VEEDU, POOLAKKODE AMSOM, KOOZHAKODE DESOM, KOZHIKODE TALUK, KOZHIKODE DISTRICT.
(ADDL. R3 IMPLEADED AS PER ORDER DATED 2/12/2020 IN I.A. NO.1/2019)

BY ADV. SMT.GOVINDU P.RENUKADEVI
BY GOVERNMENT PLEADER
BY ADV. SRI.T.B.SHAJIMON
BY ADV. M.DEVESH

BY ADV. M R DHANIL GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 2nd day of December 2020

This writ petition was filed challenging the construction of a road by the panchayat. According to the petitioner, the property belonging to Ozhalur Pathirisserry Illam Trust is being encroached by the panchayat for construction of a road.

2. The petitioner as well as the additionally impleaded respondent submits that the construction of the road is over. The additionally impleaded respondent has a case that the construction is being undertaken in a public land. The panchayat also disputed the ownership of the property claimed by the petitioner which belongs to the Trust. Anyhow, as the matter stands now, the road construction is over. If the petitioner is of the view that any of his property is being encroached upon by the

panchayat for construction of the road, the petitioner is free to take up the matter in an appropriate manner before the civil court.

With liberty as above, the writ petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE

JUDGE

SAS/02/12/2020

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1.	**THE TRUE COPY OF THE LETTER DATED 7.5.13.**
EXHIBIT P2.	**THE TRUE COPY OF THE PETITION DATED 22.4.17 SUBMITTED BY THE PETITIONER.**
EXHIBIT P3	**THE TRUE COPY OF THE LETTER DATED 31/8/2012 ISSUED BY THE THEN MANAGING TRUSTEE OF THE OZHALUR PATHRISSERY ILLAM INFAVOUR OF THE RESPONDENT PANC**
EXHIBIT P3A	**THE TRUE COPY OF RECEIPT DATED 3/9/2012 ISSUED TO PRESIDENT CHATHAMANGALAM PANCHAYATH**
EXHIBIT P4	**THE TRUE COPY OF LETTER DATED 16/5/2013 ISSUED BY SECRETARY CHATHAMANGALAM GRAMA PANCHAYATH**
EXHIBIT P5	**THE TRUE COPY OF THE REPLY SENT BY MANAGING TRUSTEE OF ILLAM DATED 18/5/2013**
EXHIBIT P6	**THE TRUE COPY OF ASSET REGISTER OF CHATHAMANGALAM GRAMA PANAHCYAT OF THE YEAR 2015.**

RESPONDENTS' EXHIBITS:-

EXHIBIT R2A	**A COPY OF THE JUDGMENT IN O.S.17/15**
EXHIBIT R2B	**THE ORDER OF THE APPEAL COURT IN I.A.328/17**
EXHIBIT R3A	**TRUE COPY OF THE COMMON JUDGMENT DATED 30.07.2016 IN O.S.367/2013 AND O.S.17/2015 BEFORE THE III ADDITIONAL SUB JUDGE**

//TRUE COPY//

P.A. TO JUDGE