IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

MONDAY, THE 07TH DAY OF DECEMBER 2020 / 16TH AGRAHAYANA, 1942

WP(C).No.27192 OF 2020(Y)

PETITIONER/S:

SWAMINATHAN
AGED 67 YEARS
S/O.PAZHANI, HOUSE, NO.8/130 (OLD), KUZHALOTTU PARAMBIL, ELAPPULLY GRAMA PANCHAYATH, PALLATHERIYIL, PALLATHERI AMSOM DESOM, PALAKKAD DISTRICT, PIN 678 622

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/S:

1. **STATE OF KERALA, REP.BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM PIN 695 001**
2. **THE DISTRICT COLLECTOR COLLECTORATE, PALAKKAD, PIN 678 001**
3. **THE REVENUE DIVISIONAL OFFICER PALAKKAD, PIN 678 001**
4. **THE VILLAGE OFFICER, ELAPPULLY - II VILLAGE, PALAKKAD DISTRICT, PIN 678 001**
5. **VELAYUDHAN, S/O.IDUMBAN, HOUSE NO.8/129 (OLD), KUZHALOTTUPARAMBU, ELAPPULLY GRAMA PANCHAYATH, PALLATHERIYIL, PALLATHERI AMSOM DESOM, PALAKKAD DISTRICT, PIN 678 622**
6. **SIVAN, S/O.IDUMBAN, HOUSE NO.8/129 (OLD), KUZHALOTTUPARAMBU, ELAPPULLY GRAMA PANCHAYATH, PALLATHERIYIL, PALLATHERI AMSOM DESOM, PALAKKAD DISTRICT, PIN 678 622**

OTHER PRESENT:

SMT.VINITHA.B ,GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 7th day of December 2020

The Writ Petition is filed aggrieved by the encroachment made by respondents 5 and 6 to an alleged pathway which the petitioner is using. Though the petitioner seeks a direction to the 2nd respondent to consider his representation on the basis of the report Ext.P1 stated to have been submitted before the Revenue Divisional Officer nowhere it is seen stated therein that the pathway is a public pathway. Even otherwise it is seen that the dispute is regarding the width of the pathway which is alleged to have been encroached by respondents 5 and 6. Therefore, the petitioner would be free to approach the Civil Court for appropriate relief. Accordingly, the Writ Petition is dismissed with liberty to the petitioner to approach the Civil Court.

Sd/-

P.V.ASHA

rkc **JUDGE**

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE PHOTOCOPY OF THE REPORT SUBMITTED BY THE 4TH RESPONDENT TO THE 3RD RESPONDENT DATED 2.12.2013**
EXHIBIT P2	**TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 3.11.2020**