IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.29013 OF 2020

PETITIONER/S:

YOOSUF, AGED 53 YEARS
SON OF MUHAMMED, MANARIKKAL HOUSE, AMSHAM, MEPPADI, TIRURANGADI, MALAPPURAM-676 306.

BY ADVS.
SRI.P.E.SAJAL
SRI.S.KABEER

RESPONDENT/S:

1 **STATE OF KERALA**
REPRESENTED BY THE SECRETARY TO GOVERNMENT, PUBLIC WORKS DEPARTMENT, SECRETARIAT, TRIVANDRUM-695 001.

2 **DISTRICT COLLECTOR, MALAPPURAM, COLLECTORATE, UP HILL, MALAPPURAM-676 305.**

3 **ASSISTANT EXECUTIVE ENGINEER**
PUBLIC WORKS DEPARTMENT, BRIDGES SUB DIVISION, MANJERI, MALAPPURAM-676 121.

4 **VILLAGE OFFICER, TIRURANGADI VILLAGE, TIRURANGADI, MALAPPURAM-676 306.**

OTHER PRESENT:

SMT.PRINCY XAVIER, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2020, ALONG WITH WP(C).29023/2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.29023 OF 2020

PETITIONER/S:

1 SAIDALAVI, AGED 55 YEARS, SON OF HASSAN HAJI, KADAVATH HOUSE, PANTHARANGADI, THRIKKULAM, TIRURANGADI, MALAPPURAM-676306.

2 MOIDEENKUTTY, AGED 55 YEARS, SON OF HASSAN HAJI, KADAVATH HOUSE, PANTHARANGADI, THRIKKULAM, TIRURANGADI, MALAPPURAM-676306.

BY ADVS.
SRI.P.E.SAJAL
SRI.S.KABEER

RESPONDENT/S:

1 STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, PUBLIC WORKS DEPARTMENT, SECRETARIAT, TRIVANDRUM-695001.

2 DISTRICT COLLECTOR, MALAPPURAM, COLLECTORATE, UP HILL, MALAPPURAM-676305.

3 ASSISTANT EXECUTIVE ENGINEER, PUBLIC WORKS DEPARTMENT, BRIDGES SUB DIVISION, MANJERI, MALAPPURAM-676121.

4 VILLAGE OFFICER, TIRURANGADI VILLAGE, TIRURANGADI, MALAPPURAM-676306.

OTHER PRESENT:
SMT.PRINCY XAVIER, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2020, ALONG WITH WP(C).29013/2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 22nd day of December 2020

Petitioners in both these cases challenge the notices for eviction complaining that there is no clarity and it is not even stated which part of their buildings are re-vacated and what is the nature of encroachment. It is also stated that even the date on which the notices are issued is also not stated.

Therefore, there shall be a direction to the Assistant Executive Engineer to hear the petitioners within a period of two weeks and to take fresh steps after hearing them. Petitioners shall cooperate with the said hearing. Till such time no coercive action shall be taken.

The Writ Petitions are disposed of accordingly.

Sd/-

P.V.ASHA

rkc **JUDGE**

APPENDIX OF WP(C) 29013/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE SALE DEED NO.495/16 OF SUB REGISTRAR'S OFFICE, TIRURANGADI.**
EXHIBIT P2	**TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, TIRURANGADI DATED 16.7.2019.**
EXHIBIT P3	**TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT TO THE 2ND PETITIONER DATED NIL.**

APPENDIX OF WP(C) 29023/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE SALE DEED NO.1339/98 OF SUB REGISTRAR'S OFFICE, TIRURANGADI.**
EXHIBIT P2	**TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, TIRURANGADI DATED 12.4.2019.**
EXHIBIT P3	**TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT TO THE 2ND PETITIONER DATED NIL.**