IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 29TH DAY OF DECEMBER 2020 / 8TH POUSHA, 1942

WP(C).No.29168 OF 2020(U)

PETITIONER:

RADHAKUMARI.B
AGED 72 YEARS
W/O.PUSHPARAJAN, RESIDING AT RADHA MANDHIRAM,
THATTATHUMALA, PAZHAYAKUNNUMMEL VILLAGE,
ADAYAMON P.O., THIRUVANANTHAPURAM DISTRICT 695614

BY ADV. SRI.S.SREEKUMAR (KOLLAM)

RESPONDENTS:

1 **THE STATE OF KERALA**
REP.BY THE SECRETARY, LOCAL SELF GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM 695 001

2 **THE SECRETARY**
PAZHAYAKUNNUMMEL GRAMA PANCHAYAT, KILIMANOOR P.O.,
THIRUVANANTHAPURAM DISTRICT 695 601

STANDING COUNSEL- SRI.SIJU KAMALASANAN
GOVERNMENT PLEADER- SMT. VINITHA.B

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This writ petition is filed by the petitioner, who is allegedly an owner of an extent of51.79 Ares of property in Re-Survey No.53/6-2 of Pazhayakunnummel Village within the jurisdiction of Pazhayakunnummel Grama Panchayat. The apprehension of the petitioner is that, in the guise of widening a nearby road, there is a likelihood of the Panchayat encroaching into the property of the petitioner and therefore, petitioner submitted Ext.P5 application before the Secretary of the Grama Panchayat and seeks direction for finalisation of Ext.P5 and a further direction to not to take any property owned by the petitioner forcibly otherwise than in accordance with law.

2. Having heard learned counsel for petitioner, learned Government Pleader as well as learned Standing Counsel appearing for the Grama Panchayat, this writ petition is disposed of directing the Secretary of the Grama Panchayat i.e., the 2nd respondent to finalise Ext.P5 application submitted by the petitioner, at the earliest possible time and at any rate within one month from the date of receipt of a copy of this judgment. It is also made clear that till such time no forcible action shall be taken against the petitioner otherwise than in accordance with law.

Sd/-

SHAJI P.CHALY

JUDGE

smv

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	**A TRUE PHOTOSTAT COPY OF THE GIFT DEED NUMBER 1112/1978 DATED 23.3.1978 OF THE KILIMANOOR SRO.**
EXHIBIT P2	**A TRUE PHOTOSTAT COPY OF THE PROPERTY TAX RECEIPT NUMBER KI01022202342/2019 DATED 18.5.2019 OF THE PAZHAYAKUNNUMMEL VILLAGE**
EXHIBIT P3	**A TRUE PHOTOSTAT COPY OF THE RE-SURVEY SKETCH OF THE PETITIONER'S PROPERTY**
EXHIBIT P4	**THE TRUE PHOTOGRAPHS OF THE PETITIONER'S PROPERTY**
EXHIBIT P5	**A TRUE PHOTOSTAT COPY OF SUBMISSION DATED 21.12.2020 ISSUED TO THE SECRETARY PAZHAYAKKUNNUMMEL GRAMA PANCHAYAT**