

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

THURSDAY, THE 31ST DAY OF JANUARY 2013/11TH MAGHA 1934

WP(C) .No. 13321 of 2012 (M)

PETITIONER(S) :

RAVINDRAN.K.K. AGED 64 YEARS
S/O.KUNJUNNI, KANAKAKKUNNU HOUSE, AROOKUTTY POST
AROOKUTTY, CHERTHALA-6888 535.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENT(S) :

1. AROOKUTTI GRAMA PANCHAYAT
AROOKUTTY POST, PIN-688 535
REPRESENTED BY ITS SECRETARY.

2. SUBASH
S/O.VAVACHAN, KANAKAKKUNNU, AROOKUTTY POST
CHERTHALA-688 535.

R1 BY ADV. SRI.V.A.MUHAMMED

R1 BY ADV. SRI.V.K.GOPALAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31-01-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS:-

EXHIBIT P1. TRUE PHOTOCOPY OF THE COMPLAINT FOWARDED BY THE
PETITIONER AND HIS WIFE BEFORE THE 1ST RESPONDENT
AROOKUTTY GRAMA PANCHAYATH DATED 20/3/2012

EXHIBIT P1(a). TRUE PHOTOCOPY OF THE RECEIPT OF ACCEPTANCE OF
EXHIBIT P1.

EXHIBIT P2. TRUE PHOTOCOPY OF THE NOTICE RECEIVED BY THE
PETITIONER FROM THE 1ST RESPONDENT PANCHAYAT.

EXHIBIT P3. TRUE PHOTOCOPY OF THE JUDGMENT OF THIS HONOURABLE
COURT DIVISION BENCH IN WPC NO.7498/2012.

EXHIBIT P4. TRUE PHOTOCOPY OF THE ROUGH SKETCH PREPARED BY
THE PETITIONER.

RESPONDENTS EXHIBITS:- NIL.

(true copy)

PA TO JUDGE.

Kvs/-

K.SURENDRA MOHAN, J.

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WP(C).No.13321 of 2012.
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Dated this the 31st January, 2013.

J U D G M E N T

The complaint of the petitioner is that the second respondent has put up an unauthorised construction encroaching upon a public road, right in front of the petitioner's gate. Though complaints have been submitted to the first respondent, it is contended that no action whatsoever has been taken till date. According to the counsel for the petitioner, the objections of the petitioner were heard on 3rd April, 2012. However, though more than ten months have elapsed, no orders have been passed thereon till date.

2. The counsel for the first respondent submits that in order to ascertain the extent of encroachment, it is necessary to measure the property with the assistance of the Taluk Surveyor. For this purpose, though the petitioner

has approached the Taluk Surveyor, the measurement was not taken place so far. The counsel requests for three months' time for completing the proceedings. The counsel assures that necessary steps would be taken in the matter as soon as the report of the Taluk Surveyor is obtained.

3. In view of the above, this writ petition is disposed of directing the first respondent to take immediate steps to see that a measurement is conducted by the Taluk Surveyor on an early date and to take necessary action on the petitioner's complaint expeditiously. The measurement shall be completed and the proceedings for removing the encroachment on the public road, if any, shall be completed as expeditiously as possible and at any rate within an outer limit of three months from today.

K.SURENDRA MOHAN,
(Judge)

Kvs/-