

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA, 1945

WP(C) NO. 13887 OF 2023

PETITIONER:

K. KUNJU MUHAMMED, AGED 70 YEARS,
SECRETARY,
MVM RESIDENTIAL HIGHER SECONDARY SCHOOL,
VALAYAMKULAM, KOKKUR (PO), PONNANI TALUK,
MALAPPURAM DISTRICT, PIN - 679 591.

BY ADVS.

R.O.MUHAMED SHEMEEM
NASEEHA BEEGUM P.S.

RESPONDENTS:

- 1 ALAMKODE GRAMA PANCHAYATH,
CHANGARAMKULAM, NANNAMUKKU (PO),
MALAPPURAM DISTRICT.
REPRESENTED BY SECRETARY, PIN - 679 575.
- 2 THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENTS (ROADS SECTION),
KACHERIPADY, MANJERY, MALAPPURAM DISTRICT-676 517.
- 3 THE STATION HOUSE OFFICER,
CHANGARAMKULAM POLICE STATION, ALAMKODE P.O,
NANNAMUKKU, MALAPPURAM DISTRICT, PIN - 679 585.
- 4 STATE OF KERALA,
REPRESENTED BY SECRETARY LOCAL SELF GOVERNMENT,
ROOM NO. 404 A 4TH FLOOR, ANNEX -I,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, KERALA, PIN - 695 001.
SMT.DEVISHRI GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31.10.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

BECHU KURIAN THOMAS, J

.....

W.P.(C).No.13887 of 2023

.....

Dated this the 31st day of October, 2023

JUDGMENT

Petitioner alleges that he is the Secretary of a school by the name ‘MVM Residential Higher Secondary School, at Valayamkulam, Kokkur P.O., Ponnani Taluk, Malappuram District, under the management of a trust named ‘Assabah Association Trust’. Petitioner alleges that the school is situated on the Valayamkulam Centre of Kozhikode-Thrissur State Highway. Petitioner alleges that, there are several encroachers who have constructed bunk and are indulging in illegal business causing obstacles to the free passage of students, teachers and other persons including the kindergarten children. Pointing out the illegal encroachment and occupation of the roadside margins by the encroachers, a complaint was preferred before the first respondent and other statutory authorities.

2. According to the petitioner, in the absence of any direction, respondent will fail to take any decision on the complaint filed

by him and hence he has approached this Court.

3. Having heard the learned counsel for the petitioner, as well as the learned Government Pleader, I am of the view that this writ petition can be disposed of, dispensing with notice to the first respondent, considering the nature of order that I propose to issue.
4. Since Ext.P1 is pending consideration before the first respondent, it is necessary that a decision be taken after hearing the petitioner as well as the Executive Engineer of the Public Works Department.
5. Therefore, there will be a direction to the first respondent to consider and pass appropriate orders on Ext.P1 complaint filed by the petitioner as expeditiously as possible, at any rate, within a period of 60 days from the date of receipt of a copy of this judgment, after granting an opportunity of hearing to the petitioner as well as the 2nd respondent.

With the above observation, this writ petition is disposed of.

BECHU KURIAN THOMAS
JUDGE

APPENDIX OF WP(C) 13887/2023

PETITIONER EXHIBITS

**EXHIBIT P1 A TRUE COPY OF THE REPRESENTATION DATED
15.12.2022 SUBMITTED TO THE 1ST
RESPONDENT WITH POSTAL RECEIPT AND
TRACK CONSIGNMENT.**

**EXHIBIT P2 A TRUE COPY OF THE REPRESENTATION DATED
15.12.2022 SUBMITTED TO THE 2ND
RESPONDENT WITH POSTAL RECEIPT AND
TRACK CONSIGNMENT.**

**EXHIBIT P3 A TRUE COPY OF THE REPRESENTATION DATED
15.12.2022 SUBMITTED TO THE 3RD
RESPONDENT WITH POSTAL RECEIPT AND
TRACK CONSIGNMENT.**

TRUE COPY