

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 21ST DAY OF JULY 2022 / 30TH ASHADHA, 1944

WP(C) NO. 5468 OF 2022

PETITIONERS:

- 1 DINESH K.P
AGED 65 YEARS
1. DINESH K.P, AGED 65 YEARS,
S/O. SUKUMARAN. V.K,
MANJUSHA, KAVILUMPARA P.O,
KOZHIKODE DISTRICT - 673 513
PIN - 673513
- 2 M SREEDHARAN
AGED 60 YEARS
PATIKKALAKANDIYIL HOUSE,
ASWASI, KAVILUMPARA P.O, VIA KUTTIYADI,
PIN 673 513.
- 3 SANTHA A
AGED 76 YEARS
W/O. GOVINDAN, AYADATHIL HOUSE
KAVILUMPARA P.O, PIN 673 513
- 4 AMMATH
AGED 65 YEARS
S/O. KOYA, KURUNHIYIL HOUSE,
KUNDUTHODU. P.O, KOZHIKODE
PIN 673 513
- 5 SAVITHRI V P
AGED 61 YEARS
W/O. CHANDRAN K.V ,
SAPHALYAM, KUNDUTHODU. P.O, KOZHIKODE
PIN 673 513
- 6 AZEES
AGED 62 YEARS
KIZHAKKEVEETIL HOUSE,
KUNDUTHODU. P.O, KOZHIKODE
PIN 673 513
- 7 SALIM
AGED 50 YEARS

S/O. USMAN,
PADIPPURAKKAL, KUNDUTHODU. P.O, KOZHIKODE
PIN 673 513

- 8 P K KUMARAN
AGED 84 YEARS
PADIKKALAKANDIYIL HOUSE
KAVILUMPARA P.O, KOZHIKODE,
PIN - 673 513
- 9 RAVEENDRAN
AGED 56 YEARS
S/O. KANARAN, PADIKKALAKANDIYIL HOUSE
KAVILUMPARA P.O, KOZHIKODE,
PIN - 673 513
- 10 INDIRA RAJAN
AGED 61 YEARS
W/O. LATE RAJAN,
VAISAKH HOUSE, KAVILUMPARA P.O,
THOTTIPALAM, KOZHIKODE - 673 513
- 11 KUNHABDULLA
AGED 67 YEARS
S/O. MOIDU,
PATRAKULANGARA HOUSE, ASWASI,
KAVILUMPARA P.O, KOZHIKODE,
PIN - 673 513
- 12 ASOKAN K P
AGED 66 YEARS
S/O. KELAPAN,
KACHERITHARA, ASWASI, KAVILUMPARA P.O, KOZHIKODE,
PIN - 673 513
- 13 SURESH V P
AGED 51 YEARS
S/O. VASU, VALIYAPARAMBATH HOUSE,
KAVILUMPARA P.O, KOZHIKODE,
PIN - 673 513
- 14 KANARAN P
AGED 82 YEARS
S/O. CHATHU,
AJAYALAYAM, KAVILUMPARA P.O, KOZHIKODE,

PIN - 673 513

- 15 CHANTHU P K
AGED 70 YEARS
S/O. KANNAN,
EDATHUMVELIKKATH HOUSE,
KAVILUMPARA P.O, KOZHIKODE,
PIN - 673 513
- 16 HAJIRA
AGED 46 YEARS
W/O. BASHEER,
KARYAPARAMBATH,
THALIYIL, THALIYIKKARA, KAYAKKODI P.O,
KOZHIKODE, PIN - 673508
- 17 RAJAN P K
AGED 60 YEARS
S/O. KANNAN, PALAYULLAPARAMBATH HOUSE,
KAVILUMPARA P.O, KOZHIKODE,
PIN - 673 513
- 18 SASHI
AGED 66 YEARS
S/O. CHOYI,
KARIYACANDY HOUSE,
KUNDUTHODU P.O, KAVILUMPARA,
KOZHIKODE, PIN - 673 513
- 19 VALSALAN T V
AGED 62 YEARS
S/O. KELAN T.V,
THAIVALAPPIL HOUSE, KUNDUTHODU P.O,
KAVILUMPARA, KOZHIKODE, PIN - 673 513
- 20 U K JAMAL
AGED 52 YEARS
S/O. MOIDEEN,
UPPALAKANDY HOUSE,
KAVILUMPARA P.O, KOZHIKODE, PIN - 673 513
- 21 RAJAN P P
AGED 58 YEARS
S/O. KANNAN,

PARAYULLAPARAMBATH HOUSE,
KAVILUMPARA P.O, KOZHIKODE, PIN - 673 513

- 22 RUGMINI
AGED 62 YEARS
D/O. GOPALAN,
KOYAPPILLY HOUSE, ASWASI, KAVILUMPARA P.O,
KOZHIKODE, PIN - 673 513
- 23 SHAHIDA P K
AGED 40 YEARS
D/O. AMMAD, PILAKANDY HOUSE,
KAVILUMPARA P.O, KOZHIKODE,
PIN - 673 513
- 24 ISMAIL A P
AGED 50 YEARS
S/O. KUNHABDULLA HAJI,
VALIYAPARAMBATH HOUSE,
KAVILUMPARA P.O, KOZHIKODE,
PIN - 673 513
- 25 KUNHAMMED A P
AGED 48 YEARS
S/O. KUNHABDULLA HAJI,
VALIYAPARAMBATH HOUSE,
KAVILUMPARA P.O, KOZHIKODE,
PIN - 673 513
- 26 ABDURAHIMAN V P
AGED 45 YEARS
S/O. KUNHABDULLA HAJI,
VALIYAPARAMBATH HOUSE,
KAVILUMPARA P.O, KOZHIKODE,
PIN - 673 513
- 27 PRASANNA V P
AGED 68 YEARS
D/O. CHATHU,
VALIYAPARAMBATH HOUSE,
KAVILUMPARA P.O, KOZHIKODE,
PIN - 673 513
- 28 MOHAMMED RAHEES
AGED 26 YEARS

S/O. IBRAHIM AHAMMEDKUTTY,
RAHEEZA HOUSE, KUNDUTHODU P.O,
KAVILUPARA, KOZHIKODE, PIN - 673513

BY ADV S.K.SAJU

RESPONDENTS:

- 1 KAVILUMPARA GRAMAPANCHAYATH, REP. BY ITS
SECRETARY
THOTTILPALAM P.O, KOZHIKODE DISTRICT
PIN 673513, REP. BY ITS SECRETARY
- 2 SECRETARY
KAVILUMPARA GRAMAPANCHAYATH
THOTTILPALAM P.O, KOZHIKODE DISTRICT
PIN 673513
- 3 ASSISTANT EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT (ROADS)
PWD COMPLEX, KANNUR ROAD
HEAD POST OFFICE P.O
MANANCHIRA, KOZHIKODE
PIN-673001

SMT.DEEPA NARAYANAN, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 21.07.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

W.P.(C).No. 5468 of 2022

Dated this the 21st day of July, 2022

JUDGMENT

The above writ petition is filed with the following prayers:

"(1) To issue any appropriate Writ, or Order or Direction directing not to forcibly take the properties of the petitioners or to commit any act of waste or damage thereupon other than through due process of law;

(2) To mould the relief in the interest of justice due to change in circumstances and/or by efflux of time and grant such appropriate moulded relief to the petitioner.

(3) To grant such other appropriate relief/reliefs as the petitioner may pray for from time to time and which this Hon'ble Court may deem fit and proper to grant in the interest of justice."[SIC]

2. When this writ petition came up for consideration on 18.02.2022, this Court passed the following order:

"Admit.

Petitioners to take out notice to respondents 1 and

2 by e-mail today itself. Learned Government Pleader takes notice for the 3rd respondent and seeks time to get instructions.

In view of the contention that the petitioners have not either surrendered their properties for road widening or being paid in compensation for acquisition of their properties, there will be a direction to the respondents to maintain status quo with regard to the properties of the petitioners for a period of 2 weeks."

3. The main prayer in the writ petition is to issue direction not to forcibly take the properties of the petitioners or to commit any act of waste or damage thereupon other than through due process of law. In the light of the interim order passed by this Court, nothing survives in this case. Even though notice is issued to respondents 1 and 2, there is no appearance for respondents 1 and 2. In such circumstances, the interim order dated 18.02.2022 can be made absolute.

Therefore, this writ petition is disposed of making the interim order dated 18.02.2022 absolute.

DM

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

APPENDIX OF WP (C) 5468/2022

PETITIONER EXHIBITS

EXHIBIT P1 TRUE COPY OF THE NEWS ITEM REPORTED
IN MATHRUBHUMI DAILY DATED 29.12.2021

EXHIBIT P2 TRUE COPY OF THE NOTICE DATED NIL
ISSUED BY THE PRESIDENT OF THE 1ST
RESPONDENT PANCHAYATH

RESPONDENT'S EXHIBITS:

//TRUE COPY//

PA TO JUDGE