

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 7TH DAY OF JUNE 2018 / 17TH JYAISHTA, 1940

WP(C).No. 5043 of 2018

PETITIONER(S)

KOYAKUTTY P.P,
S/O PAREETH, AGED 70 YEARS,
PALATHUKKARAN HOUSE,
10TH MILE, VALARA P.O.,
DEVIKULAM TALUK,
IDUKKI.

BY ADV.SRI.LATHEESH SEBASTIAN

RESPONDENT(S) :

1. ASSISTANT EXECUTIVE ENGINEER,
NATIONAL HIGHWAYS,
KOTHAMANGALAM,
ERNAKULAM-686691.
2. THE ASSISTANT ENGINEER,
NATIONAL HIGHWAYS, KOTHAMANGALAM,
ERNAKULAM-686691.
3. NISHAD,
S/O. MYTHEEN, KIDATHUMKUDIYIL HOUSE,
10TH MILE, VALARA P.O., IDUKKI-685561.

R1 & R2 BY GOVERNMENT PLEADER SRI.P.M.MANOJ
R3 BY ADVS. SRI.MATHEW A KUZHALANADAN
SMT.ANITHA MATHAI MUTHIRENTHY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-06-2018,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

TS

WP(C) .No. 5043 of 2018 (E)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PROPERTY TAX REMITTED BY THE
PETITIONER AT THE ADIMALY GRAMA PANCHAYAT.

EXHIBIT P2: PHOTOGRAPHS OF THE CONSTRUCTION OF THE
WAITING SHED BY THE 3RD RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE REPRESENTATION OF THE
PETITIONER SUBMITTED TO THE 1ST RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE REPRESENTATION OF THE
PETITIONER SUBMITTED TO THE 2ND RESPONDENT.

RESPONDENT(S) 'EXHIBITS - NIL

/TRUE COPY/

PS TO JUDGE

TS
07.06.2018

SHAJI P. CHALY, J.

W.P.(C)No.5043 of 2018

Dated this the 7th day of June, 2018

JUDGMENT

This writ petition is filed by the petitioner seeking the following reliefs:-

"i) Call for the records relating to Exts.P3 & P4 from the respondents 1 & 2;

II) Issue a writ of mandamus or any other appropriate writ, order or direction to the respondents 1 and 2 to remove the structure made in front of the building of the petitioner in the road margin of Kochi-Madurai National Highway at 10th Mile, Valara P.O., Idukki District, as expeditiously as possible within a time limit as prescribed by this Hon'ble Court;

iii) Issue a writ of mandamus or any other appropriate writ, order or direction to the respondents 1 and 2 to dispose Ext.P3 and P4 as expeditiously as possible within a time limit as prescribed by this Hon'ble Court after affording an opportunity of hearing to the petitioner."

2. The grievance highlighted by the petitioner is that,

petitioner is a resident of Ward No. 21 of Adimali Grama Panchayath and is the owner of building bearing No.21/3888 of Adimali Grama Panchayath. The third respondent, who is the President of the 21st Ward committee of a particular political party has put up a waiting shed in front of the building owned by the petitioner, which is causing serious prejudice and inconvenience to the petitioner. Having confronted with such a situation petitioner has submitted Ext.P3 before the first respondent, which is pending consideration and seeks direction for early disposal of the same.

3. Having regard to the facts and circumstances of the case and hearing learned counsel for the petitioner, learned senior Government Pleader and learned counsel for the third respondent, there will be a direction to the first respondent to take on board Ext.P3, and consider the same in accordance with law, after

providing an opportunity of hearing to the petitioner, the third respondent or any other interested persons, and attain finality, at the earliest possible time, and at any rate, within a month from the date of receipt of a copy of this judgment.

Writ petition is disposed of accordingly.

Sd/-

SHAJI P. CHALY, JUDGE

dlk/7/6/18