

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

FRIDAY, THE 18TH DAY OF MARCH 2022 / 27TH PHALGUNA, 1943

WP (C) NO. 20438 OF 2021

PETITIONER:

BINU THANKACHAN,
AGED 43 YEARS
S/O. THANKACHAN, SHIBU BHAVAN,
MANAKKALA, MANAKKALA P.O. ADOOR,
PATHANAMTHITTA DISTRICT 691 551.

BY ADVS.
MATHEW KURIAKOSE
J.KRISHNAKUMAR (ADOOR)
MONI GEORGE

RESPONDENTS:

1 THE KULAKKADA GRAMA PANCHAYAT,
KULAKKADA, MAVADI P.O.,
PATHANAMTHITTA DISTRICT 691 507,
REPRESENTED BY THE SECRETARY.

2 THE SECRETARY,
KULAKKADA GRAMA PANCHAYATH,
KULAKKADA, MAVADI P.O.,
PATHANAMTHITTA DISTRICT 691 507.

BY ADV ALEXANDER GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

T.R.RAVI, J.

WP(C) NO.20438 OF 2021

Dated this the 18th day of March, 2022

JUDGMENT

The complaint of the petitioner is that an unauthorized construction has been made in front of his shop room affecting his trade. He has submitted Ext.P2 complaint before the 2nd respondent and sent Ext.P3 reminder. His grievance is that his complaint is not being looked into.

2. The 2nd respondent has filed a counter affidavit wherein it is stated that it was found that a trade was being conducted in an unauthorized construction abutting building No.KP VI/326A and that a notice had been issued. It is further submitted that the person who is doing the trade had approached the Civil Court and obtained an order of injunction restraining the Panchayat from trespassing into the plaint schedule property and committing damages to the shop room situated in building No.KP VI/326A. It can be seen that the unauthorized construction is abutting the building No.KP VI/326A.

In the above circumstances, the writ petition is disposed of directing the 2nd respondent to consider and pass orders on Ext.P2

complaint at the earliest with notice to the petitioner and the owner of building No.KP VI/326A who is stated to be conducting the trade in an unauthorized building and pass orders within six weeks from the date of receipt of a copy of this judgment.

Sd/-

T.R.RAVI

JUDGE

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APPENDIX OF WP(C) 20438/2021

PETITIONER'S EXHIBITS

- Exhibit P1 TRUE COPY OF THE APPLICATION DATED 22.07.2021
SUBMITTED BY THE PETITIONER TO THE 2ND
RESPONDENT.
- Exhibit P1(A) TRUE COPY OF THE REPLY DATED 30.07.2021
ISSUED BY THE 2ND RESPONDENT TO THE
PETITIONER.
- Exhibit P2 TRUE COPY OF THE APPLICATION DATED 26.07.2021
SUBMITTED BY THE PETITIONER TO THE 2ND
RESPONDENT WITH RECEIPT ISSUED BY THE 2ND
RESPONDENT.
- Exhibit P3 TRUE COPY OF THE REMINDER DATED 13.09.2021
SUBMITTED BY THE PETITIONER TO THE 2ND
RESPONDENT WITH RECEIPT ISSUED BY THE 2ND
RESPONDENT.
- Exhibit P4 TRUE COPY OF THE RELEVANT PAGES OF THE
PASSPORT OF SHIBU THANKACHAN, BROTHER OF THE
PETITIONER

RESPONDENT'S EXHIBITS

- Exhibit R1(a) THE TRUE COPY OF THE REPORT FILED BY THE
ASSISTANT ENGINEER OF THE PANCHAYAT
- Exhibit R1(b) THE TRUE COPY OF THE ACKNOWLEDGEMENT
CERTIFICATE PRODUCED BEFORE THE PANCHAYAT
- Exhibit R1(c) TRUE COPY OF THE ORDER DATED 14.9.2021 ISSUED
BY THE SECRETARY OF PANCHAYAT
- Exhibit R1(d) TRUE COPY OF THE INTERIM ORDER DATED
1.10.2021 PASSED IN IA NO.1/2021 IIN OS
370/2021 OF MUNSIFF COURT KOTTARAKKARA.
- Exhibit R1(e) TRUE COPY OF THE O S NO.370/2021 PENDING
BEFORE THE HON'BLE MUNSIFF COURT KOTTARAKARA.

//TRUE COPY//

PA TO JUDGE