

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY ,THE 22ND DAY OF NOVEMBER 2018 / 1ST AGRAHAYANA, 1940

WP (C) .No. 23782 of 2015

PETITIONER/S:

DR.N.RAMACHANDRAN
CHITTI LANGATT LANE, PATTURAICKAL, THIRUVAMBADI POST,
THRISSUR.

BY ADVS.
SRI.C.A.ANOOP
SMT.C.K.REMANY
SRI.T.KRISHNANUNNI (SR.)

RESPONDENT/S:

- 1 THE SECRETARY
THRISSUR CORPORATION, THRISSUR - 680 001.
- 2 VIJAYAN MENON
VICE PRESIDENT, SREE PRIYA APARTMENT OWNERS
ASSOCIATION, CHITTI LANGATT LANE, PATTURAICKAL,
THRISSUR, RESIDING AT F-2, MRG SREE PRIYA APARTMENTS,
THIRUVAMBADI POST, THRISSUR - 680 022.
- 3 V.R.MAHADEVAN
MANAGING DIRECTOR, MRG BUILDERS PVT. LTD.,
KUNNATHUMANA LANE, THRISSUR - 680 001.

BY ADVS.
SRI. SANTHOSH P.PODUVAL, SC, THRISSUR CORPORATION
SRI.KOODOTH SREEDHARAN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22.11.2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

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

(I) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction to the 1st respondent to restore the pathway as shown in Ext.P1 completion plan with 3.6 metre all along the Chittilangatt Lane.

2. From the pleading put forth by the petitioner it is evident that 2nd respondent, flat owner encroached upon the pathway leading to petitioner's property which is a public pathway. According to the 1st respondent Corporation the sole relief sought for is implementation of Ext.P5 order rendered by the Tribunal in appeal No. 420/2011 dated 29.08.2011 Taking into account the pleadings and the documents produced by the petitioner and hearing the respective counsel, I am of the considered opinion that writ petition can be disposed of with appropriate directions. First

respondent has filed a detailed counter affidavit. However fact remains what is sought for by the petitioner is implementation of Ext.P5 judgment.

2. In that view of the matter, this writ petition is disposed of, directing the petitioner 1st respondent to implement the directives contained in Ext.P5 order, if it has become final and conclusive, at the earliest, and at any rate, within two months from the date of receipt of a copy of this judgment, if required after securing participation of the respective parties.

sd/-

SHAJI P.CHALY

JUDGE

hnh

APPENDIX**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE REVISED COMPLETION PLAN.
- EXHIBIT P2 TRUE PHOTOGRAPHS SHOWING UNAUTHORIZED CONSTRUCTION BY ENCROACHING UPON THE LANE AND FILLING UP OF THE AREA.
- EXHIBIT P3 TRUE COPY OF THE ORDER DATED 21.06.2011 IN O.P.1377/10 PASSED BY THE HON'BLE OMBUDSMAN.
- EXHIBIT P4 THE COPY OF THE ORDER DATED 06.06.2011 OF THE CORPORATION.
- EXHIBIT P5 TRUE COPY OF THE ORDER OF THE TRIBUNAL.
- EXHIBIT P6 TRUE COPY OF THE LETTER/INFORMATION OBTAINED UNDER R.I.ACT DATED 15.03.2012 FROM 1ST RESPONDENT THAT THE SAID CHITTILANGATT LANE IS A PUBLIC WAY.

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R3 (1) THE PHOTOCOPY OF THE BUILDING PERMIT DATED 6-12-2005 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT R3 (2) THE PHOTOCOPY OF THE DETAILS OF THE JOINT OWNERS OF THE APARTMENT
- EXHIBIT R3 (3) THE PHOTOCOPY OF THE OCCUPANCY CERTIFICATE DATED 29-05-2008
- RESPONDENT'S EXHIBIT NIL

//True copy//

PA to Judge