

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

WEDNESDAY, THE 21ST DAY OF JUNE 2023 / 31ST JYAISHTA, 1945

WP(C) NO. 34186 OF 2022

PETITIONER:

G.SUDHAKARAN,
AGED 61 YEARS,
SON OF LATE. MR. KUNJAMBU KUTTY KURUP, NIRANJANAM HOUSE,
SANKARANELLOOR (PO), KUTHUPARAMBA,
KANNUR DISTRICT, PIN - 670 643.
BY ADVS.
SHAJI CHIRAYATH
JIJI M. VARKEY
M.K.SAFEELA BEEVI
SAVITHA GANAPATHIYATAN
M.M.SHAJAHAN

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
ROOM NO. 364, 1ST FLOOR, MAIN BLOCK, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.
- 2 KERALA WATER AUTHORITY,
JALA BHAVAN, VELLAYAMBALAM THIRUVANANTHAPURAM DISTRICT,
PIN - 695 033, REPRESENTED BY ITS MANAGING DIRECTOR.
- 3 EXECUTIVE ENGINEER,
PAZHASSI IRRIGATION DIVISION, CIVIL STATION,
KANNUR DISTRICT, PIN - 670 002.
- 4 ASSISTANT ENGINEER,
IRRIGATION DEPARTMENT, PAZHASSI IRRIGATION PROJECTS,
MAINTENANCE SECTION NO. III, KUTHUPARAMBA (PO), KANNUR,
PIN - 670 643.
- 5 DEPUTY COLLECTOR (LAND ACQUISITION),
KANNUR DISTRICT, CIVIL STATION, KANNUR DISTRICT,
PIN - 670 002.
- 6 TAHSILDAR (LAND RECORDS),
THALASSERY TALUK, OFFICE OF THE THASILDAHR THALASSERY
TALUK, MINI CIVIL STATION, KANNUR DISTRICT, PIN - 670 101.
- 7 VILLAGE OFFICER,
MANGATTIDOM VILLAGE, AYYAPPANTHODE - VATTIPROM ROAD,
THALASSERY TALUK, KANNUR DISTRICT, PIN - 670 643.
BY ADVS.
SMT.DEEPA V, GOVERNMENT PLEADER
P.M.JOHNNY, SC, KERALA WATER AUTHORITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner had approached this Court being aggrieved by the fact that though certain extent of property belonging to the petitioner had been acquired for the Pazhassi Irrigation Project, the Irrigation Department had constructed a canal on a portion of the land, which was not acquired from the petitioner, causing serious prejudice to the petitioner.

2. When this matter came up on 24.01.2023, I passed the following order:-

“The petitioner has approached this Court with a grievance that, though about 8 cents of property was acquired from the land belonging to the petitioner for construction of a canal in connection with Pazhassi Irrigation Project, a portion of the canal was built through unacquired land resulting in a situation where the petitioner has lost ownership over the land through which the canal is passing as also the land which has been acquired as per the records. It is submitted that, on account of the above, the petitioner is not able to enjoy his property to the full extent. It is submitted that Exts.P5 and P6 reports of respondents 4 and 6 show that the

grievance raised by the petitioner is substantially correct.

2. The learned Senior Government Pleader would submit that, if the factual situation is actually in the manner now projected by the petitioner, a suitable methodology will have to be evolved to ensure that the petitioner is in a position to enjoy the lands excluding the land through which the irrigation canal is now passing. It is suggested that a mediation can be attempted to solve the grievances of the petitioner. Since it would be more convenient for the parties to attempt mediation at the Mediation Centre attached to the District Court, Kannur, it is directed that the petitioner and respondents 3, 4, 6 and 7 shall mark appearance before the Nodal Officer, Mediation Centre, District Court, Kannur at 11 A.M. on 3.2.2023 and attempt to solve the issues through mediation. The registry shall communicate a copy of this order to the Nodal Officer, District Mediation Centre, District Court, Kannur, for information.

List after six weeks.”

3. The learned counsel appearing for the petitioner submits that following mediation, the matter has been settled between the petitioner and the respondents and the writ

petition may be disposed of in terms of the settlement arrived at by the parties at the mediation.

4. The District Mediation Centre, District Court Complex, Thalassery has placed a report of mediation including the memorandum of settlement executed under Section 89 of the Code of Civil Procedure r/w Rule 24 of the Civil Procedure (Alternative Dispute Resolution) Rules, 2008. The terms of the settlement are recorded and the writ petition is disposed of in terms of the settlement.

Sd/-
GOPINATH P.
JUDGE

DK

APPENDIX OF WP(C) 34186/2022

PETITIONER EXHIBITS

Exhibit P1	SALE DEED NO. 1726 OF 1997 DATED 27TH JUNE 1997 ON THE FILES OF SUB REGISTRY OFFICE, KUTHUPARAMBU
Exhibit P2	ROUGH SKETCH SHOWING THE PROJECT PLAN OF THE CANAL
Exhibit P3	BASIC TAX RECEIPT
Exhibit P4	APPLICATION FOR FIXATION BOUNDARY
Exhibit P5	LETTER ISSUED BY 4TH RESPONDENT PURSUANT TO EXHIBIT P4 TO THE 6TH RESPONDENT TAHSILDAR
Exhibit P6	REPORT/LETTER ISSUED BY THE 06TH RESPONDENT DATED 05TH MAY 2022
Exhibit P7	SURVEY SKETCH ISSUED ALONG WITH EXHIBIT P6 LETTER