

Ammini Vs. State of Kerala

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Court : Kerala

Decided On : Dec-31-2012

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Ammini

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON MONDAY, THE 31ST DAY OF DECEMBER 2012 10TH POUSHA 193 WP(C).No. 30105 of 2012 (K) ----- PETITIONER(S): ----- AMMINI,, AGED 5 YEARS D/O.CHINKAN, 412A, NALAM CHIRANGARA HOUSE KEEZHILLAM, MANNOOR, MAZHAVANNOOR PANCHAYATH KUNNATHUNADU TALUK, ERNAKULAM DISTRICT. BY ADV. SRI.R.DIVAKARAN RESPONDENT(S): ----- 1. STATE OF KERALA, REPRESENTED BY PRINCIPLES SECRETARY TO STATE GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM

001.

2. DISTRICT COLLECTOR, ERNAKULAM DISTRICT, KAKKANAD CIVIL STATION

030.

3. EXECUTIVE ENGINEER, PWD ROAD SUB DIVISION, PERUMBAVOOR.

4. SUB INSPECTOR OF POLICE, PATTIMATTOM POLICE STATION,
PATTIMATTOM

562.

5. MAZHAVANNOOR GRAMA PANCHAYATH, MAZHAVANNOOR.P.O, (VIA)
PERUMBAVOOR ERNAKULAM DISTRICT REPRESENTED BY ITS
SECRETARY

669. BY GOVERNMENT PLEADER SRI.S.JAMAL THIS WRIT PETITION (CIVIL)
HAVING COME UP FOR ADMISSION ON 31-12-2012, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING: jm WP(C).No. 30105 of 2012
APPENDIX PETITIONER(S) EXHIBITS P1- THE TRUE COPY OF THE RATION
CARD. P2- THE TRUE COPY OF THE ELECTRICITY BILL FOR THE PERIOD
OF NOVEMBER 2012 P3- THE TRUE COPY OF THE ELECTRICITY BILL. P4-
THE TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED BY THE
ELECTION COMMISSION. P5- THE TRUE COPY OF THE RECEIPT ISSUED BY
THE GRAMA PANCHAYATH ON 26.6.2012. P6- THE TRUE COPY OF THE
SHOWCASE NOTICE. P7- THE TRUE COPY OF THE REPRESENTATION TO
THE 3RD RESPONDENT DATED 12 11.2012. P8- THE TRUE COPY OF THE
REPRESENTATION TO THE 3RD RESPONDENT DATED 14 11.2012.
RESPONDENT'S EXHIBITS : NIL RESPONDENTS' EXHIBITS : NIL \ TRUE
COPY \ PA TO JUDGE jm P.R. RAMACHANDRA MENON J.

~~~~~ W.P.(C) No. 30105 of 2012  
~~~~~ Dated, this the 31st day of December, 2012  
JUDGMENT The petitioner is residing in the building situated in the property in
question, which is admittedly a 'Puramboke' land. The petitioner contends that she
has been residing in the said property, for more than two decades and that the
occupation has already been taken note of by the concerned authorities. It is
stated that the petitioner has been issued 'Ration card' and 'Election identity' card
in the above address and the building situated in the property also been electrified.
Now, the petitioner was served with Ext. P6 notice, asking her to vacate the

premises. Immediately on receipt of Ext. P6, the petitioner has preferred Exts. P7 and P8 representations before the third respondent and has approached this Court for immediate intervention.

2. The learned counsel for the petitioner submits that the only relief now pressed before this Court is to enable the W.P.(C) No. 30105 of 2012 :

2. : petitioner to make appropriate arrangement to shift her residence by staying in the building for sometime more. This itself is the request made by her in Exts. P7 and P8 representations, wherein the petitioner has sought for 'six months' time.

3. The learned Government Pleader appearing for the respondents submits that there is no vested right for the petitioner to occupy the premises and the immediate necessity to evict the petitioner is because of the recurring accidents, as the property is situated in a Junction and there is a sharp curve as well. Quite a number of accidents have already been taken place and it is necessary to mitigate the circumstances by effecting the road widening/ straightening. It is pointed out that Ext. P6 is only a notice issued under the relevant provisions of the Land Conservancy Act and that the representations preferred by the petitioner will be considered, of course, after giving an opportunity of hearing, submits the learned Government Pleader. W.P.(C) No. 30105 of 2012 :

3. :

4. In the above circumstances, the Writ Petition is disposed of, directing the 3rd respondent to finalize the proceedings pursuant to Ext. P6, considering the grievance projected by way of Exts. P7 and P8 to grant some reasonable time to vacate the premises. Final orders as above shall be passed in accordance with law, after giving an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'three' months from the date of receipt of a copy of this judgment. sd/-
P. R. RAMACHANDRA MENON, (JUDGE) kmd