

Sahadevan Vs. State of Kerala

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Court : Kerala

Decided On : Nov-08-2013

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

Appellant : Sahadevan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON FRIDAY, THE 8TH DAY OF NOVEMBER 2013 17TH KARTHIKA, 1935 WP(C).No. 2237 of 2013 (D) ----- PETITIONER(S): ----- SAHADEVAN AGED 66 YEARS S/O.K.P.KESAVAN, KANDACHANTHARA, PALLAM P.O KOTTAYAM. BY ADV. SRI.T.K.RADHAKRISHNAN RESPONDENT(S): ----- 1. STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR, ALAPPUZHA.

2. PUNCHA SPECIAL OFFICER ALAPPUZHA.

3. SREEKUMAR S/O.NARAYANAN (GOVT. SERVANT) NEELAKANDA MANDIRAM KANNADY, KUNNUMMA, ALAAPPUZHA.

4. PRASAD, AGED 35 S/O.NARAYANAN, NEELAKANDA MANDIRAM, KANNADY KUNNUMMA, ALAAPPUZHA.

5. PRADEEP S/O.NARAYANAN (CIVIL POLICE OFFICER) NEELAKANDA MANDIRAM KANNADY, KUNNUMMA, ALAAPPUZHA. R3 BY ADV. SRI.K.S.HARIHARAPUTHRAN R3 BY ADV. SRI.GEORGE MATHEW R1 & R2 BY GOVT. PLEADER SMT. K.A. SANGEETHA THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08.11.2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ma WP(C).No. 2237 of 2013 APPENDIX PETITIONER(S) EXHIBITS EXHIBIT P1. COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 2D RESPONDENT DATED 04.02.2010. EXHIBIT P2. COPY OF THE

ORDER

OF 2D RESPONDENT. EXHIBIT P3. COPY OF REPORT SUBMITTED BY THE 2D RESPONDENT DT. 4.10.11. EXHIBIT P4. COPY OF THE

ORDER

OF THE 1ST RESPONDENT DATED 18.07.2011. EXHIBIT P5. COPY OF THE LAST REPRESENTATION WAS ACCEPTED BY THE 1ST RESPONDENT DATED 13.12.2012. RESPONDENTS' EXHIBITS /TRUE COPY/ P.A TO JUDGE P.R. RAMACHANDRA MENON, J.

===== W.P.(C). No. 2237 of 2013
----- Dated this the 8th day of November, 2013

JUDGMENT

The petitioner is the owner of the property having an extent of 4 acres in Sy. Nos. 15/3, 14/9, 14/10, 14/11, 15/1 and 17/1 of Kunnumma Villate of Kuttanadu Taluk, which is a paddy land and is being regularly cultivated by the petitioner. It is stated that, there is a water channel going along the side of the properties of the respondents 3 to 5 and flowing into the property of the petitioner and that the water flowing through the said channel is being made use of by the petitioner for cultivation. Without any regard to the natural flow of water, the same was blocked by the respondents 3 to 5, which made the petitioner to approach the 2nd respondent by filing necessary application seeking for immediate intervention.

2. However, without considering the merits of the case, the said application was rejected by the 2nd respondent, which made the petitioner to approach the concerned District Collector. The District Collector considered and disposed of the matter by W.P.C. No. 2237 of 2013 -2- passing Ext.P4 order dated 18.07.2011, directing the 2nd respondent to take necessary steps to cause the water channel to be opened and to finalize the matter after giving an opportunity of hearing to the parties concerned as specified therein. Nothing has transpired in the positive and hence the writ petition.

3. The writ petition was admitted as early as on 23.1.2013 and the service of notice to the concerned respondents is also completed. Till date, no counter affidavit has been filed by any of the respondents.

4. Heard the learned Government Pleader as well, who submits that, pursuant to Ext.P2, the 2nd respondent had convened a meeting and some consensus was arrived between the parties to have the water channel opened after removing the blockage. But the fact remains that the grievance of the petitioner is still to be redressed.

5. In the said circumstance, there will be a direction to the 2nd respondent to take all necessary steps to comply with the direction given by the District Collector vide Ext.P4 and the water channel leading to the property of the petitioner shall be opened W.P.C. No. 2237 of 2013 -3- after removing the blockage. The proceedings in this regard shall be finalized at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment along with a copy of the writ petition. The writ petition is allowed to the said extent. No cost. P.R. RAMACHANDRA MENON, JUDGE. kp/-