

Sheeba and 2 Others Vs. State of Kerala and 3 Others

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Court : Kerala

Decided On : Mar-27-2014

Judge : Honourable Mr.Justice K.Vinod Chandran

Appellant : Sheeba and 2 Others

Respondent : State of Kerala and 3 Others

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE P.UBAID THURSDAY, THE 27TH DAY OF MARCH 2014 6TH CHAITHRA, 1936 CrI.MC.No. 2754 of 2011 (F) ----- [PENDING PETITION UNDER SECTION 133(1) OF CR.P.C. BEFORE THE SUB DIVISIONAL MAGISTRATE, KOLLAM DATED 29/01/2010] ----- PETITIONERS/PETITIONERS:

----- 1. SHEEBA, W/O. ABDUL RASHEED, 'SUMAYA MANZIL', VELLAKKADU.P.O., AYIRANALLUR VILLAGE, PATHANAPURAM TALUK, KOLLAM DISTRICT.

2. ATHUKA, W/O. BAVA KANNI, 'SABEENA MANZIL', VILAKKUPARA.P.O, AYIRANALLUR VILLAGE, ELAVARAMKUZHY, KOLLAM DISTRICT.

3. NAZEEMA, W/O. ABDUL JABAR, 'NAZEEMA MANZIL', VILAKKUPARA.P.O, AYIRANALLUR VILLAGE, ELAVARAMKUZHY, KOLLAM DISTRICT. BY ADVS.SRI.P.HARIDAS, SMT. SIKKY RAVISHANKAR. RESPONDENTS/STATE &

RESPONDENTS: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.

2. GEORGE KUTTY, S/O. GEORGE, 'GEORGE VILLA', VILAKKUPARA.P.O., AYIRANALLUR VILLAGE, ELAVARAMKUZHY, KOLLAM DISTRICT -691 307.

3. SALAMMA GEORGE, W/O. GEORGEKUTTY, 'GEORGE VILLA', VILAKKUPARA.P.O., AYIRANALLUR VILLAGE, ELAVARAMKUZHY, KOLLAM DISTRICT., PIN-691 307.

4. SUHARA BEEVI, 'ASHRAF MANZIL', VILAKKUPARA.P.O., AYIRANALLUR VILLAGE, ELAVARAMKUZHY, KOLLAM DISTRICT., PIN-691 307. R1 BY PUBLIC PROSECUTOR SMT. SEENA RAMAKRISHNAN. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27-03-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. CRL.M.C. NO.2754/2011-F: APPENDIX PETITIONERS' ANNEXURES: ANNEXURE -1: TRUE COPY OF THE PETITION UNDER SECTION 133(1) OF CR.P.C. BEFORE THE SUB DIVISIONAL MAGISTRATE, KOLLAM DTD. 29/01/2010 FILED BY PETITIONER. ANNEXURE -1(a): TRUE COPY OF THE ENGLISH TRANSLATION OF ANNEXURE-1 PETITION. ANNEXURE-2: TRUE COPY OF THE LETTER NO.5293/10/D. DTD. 23/06/2010 ISSUED BY REVENUE DIVISIONAL OFFICER, KOLLAM. ANNEXURE-2(a): TRUE COPY OF THE ENGLISH TRANSLATION OF ANNEXURE-2 LETTER. RESPONDENTS' ANNEXURES: NIL. //TRUE COPY// P.A. TO JUDGE. Prv. P.UBAID, J.

~~~~~ Crl.M.C No.2754 of 2011 ~~~~~ Dated this the 27th, March, 2014

## ORDER

The petitioners herein have initiated a proceeding under Section 133 (1) of the Code of Criminal Procedure before the Revenue Divisional Officer, Kollam against the respondents herein, alleging obstruction on a public road by way of encroachment. The complaint was filed by them on 29.1.2010. Their grievance is

that the Revenue Divisional Officer has not acted on the said complaint for enquiry, and that the said complaint containing serious allegations has been pending for four years, without any action.

2. In the nature of the relief prayed, I feel it not necessary to send notice to the respondents or to bring them before this Court. A direction to the Revenue Divisional Officer to expedite enquiry on the complaint can be given even without giving notice to the respondents. A perusal of the complaint shows that serious allegation of obstruction to public way is there, and such a complaint cannot be kept pending for four years. Appropriate enquiry CrI.M.C No.2754 of 2011 2 will have to be conducted and appropriate decision will have to be taken by the Revenue Divisional Officer, at the earliest.

3. In the result, this petition is allowed. The Revenue Divisional Officer, Kollam is hereby directed to expedite enquiry on Annexure-1 complaint filed by the petitioners herein under Section 133 (1) of the Code of Criminal Procedure, and take decision on the said complaint, as expeditiously as possible, at any rate, within six months from this date. Petitioner will obtain a certified copy of this order and produce it before the Revenue Divisional Officer, Kollam within ten days, for compliance. Sd/- P.UBAID JUDGE ma /True copy/ P.S to Judge CrI.M.C No.2754 of 2011 3 CrI.M.C No.2754 of 2011 4

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