

Antony Devassy vs State of Kerala

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Court : Kerala

Decided On : Feb-28-2023

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/6813/2023

Appellant : Antony Devassy

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
TUESDAY, THE 28TH DAY OF FEBRUARY 2023 / 9TH PHALGUNA,
1944 PETITIONER: ANTONY DEVASSY AGED 70 YEARS S/O
DEVASSY, THEKKAN HOUSE, MELOOR VILLAGE, THRISSUR
DISTRICT, PIN - 680311 BY ADV RAPHAEL THEKKAN
RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY IT'S
SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, 4TH
FLOOR, ANNEX I, SECRETARIAT, THIRUVANANTHAPURAM, PIN -
695001 2 MELOOR GRAMA PANCHAYAT, THRISSUR REP. BY ITS
SECRETARY, MELOOR EZHATUMUGHAM ROAD, 3 SECRETARY
MELOOR GRAMPANHAYATH, MELOOR EZHATUMUGHAM ROAD,

SRI.PAULSON P.V., SC SRI.P.S.APPU, GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 28th day of February, 2023 This writ petition is filed seeking directions to respondents 2 and 3 not to make any construction encroaching into the petitioners property. Directions are also sought to direct respondents 2 and 3 to continue with the construction of the wall around the pond only after demarcating the properties of petitioner and puramboke property of the chira.

2. The learned standing counsel appearing for respondents 2 and 3

submits that the properties of the petitioner are in Survey Nos.727/1 and 728/7 and that the chira puramboke is clearly demarcated from the petitioners properties. It is submitted that there was an earlier suit between the parties which was dismissed since the properties of the Panchayat and chira puramboke were clearly demarcated and there was no encroachment into the petitioners property. It is submitted that the construction is being carried out by respondents 2 and 3 only in the chira puramboke. It is further contended that respondents 2 and 3 are fully entitled to carry out the construction activities in the chira puramboke without encroaching into the petitioners properties. Recording the said submissions, this writ petition is closed. Sd/- ANU SIVARAMAN JUDGE NP APPENDIX OF WP(C) 6813/2023 PETITIONERS EXHIBITS EXHIBIT P1 TRUE COPY OF THE SETTLEMENT DEED NO.2237/1993 DATED 11.05.1993 EXHIBIT P2 TRUE COPY OF THE LATEST TAX RECEIPT ISSUED TO THE PETITIONER DATED 07.06.2022 EXHIBIT P3 TRUE COPY OF THE PHOTOGRAPHS TAKEN BY THE PETITIONER RESPONDENTS EXHIBITS: NIL

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