

Ramadasan vs the District Collector

Ramadasan vs the District Collector

SooperKanoon Citation : sooperkanoon.com/1356921

Court : Kerala

Decided On : Jun-30-2023

Judge : Honourable Mr. Justice Anil K.Narendran,Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : WP(C)/14284/2023

Appellant : Ramadasan

Respondent : The District Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945 WP(C) NO. 14284 OF 2023 PETITIONER/S: RAMADASAN AGED 61 YEARS S/O GOPALAKRISHNAN NAIR, KOOTTAALA HOUSE, THEKKETHARA, PAZHAYANNUR, THRISSUR DISTRICT,, PIN - 680587 BY ADV P.T.SHEEJISH RESPONDENT/S:

1 THE DISTRICT COLLECTOR THRISSUR, COLLECTORATE, CIVIL STATION, AYYANTHOLE, THRISSUR DISTRICT, PIN - 680003 2 THE

EXECUTIVE ENGINEER PUBLIC WORKS DEPARTMENT,
CHEMBUKKAVU P.O., THRISSUR, PIN - 680020 3 THE ASSISTANT
EXECUTIVE ENGINEER KERALA STATE ELECTRICITY BOARD ,
CHELAKKARA P.O., THRISSUR,, PIN - 680586 4 THE ASSISTANT
ENGINEER KERALA STATE ELECTRICITY BOARD ,
PAZHAYANNOOR, PAZHAYANNOOR P.O., THRISSUR, PIN - 680586
5 COCHIN DEVASWOM BOARD REP. BY SECRETARY, DEVASWOM
HEAD QUARTERS, SWARAJ ROUND WEST, THRISSUR, PIN -
680001 6 PAZHAYANNOOR BHAGAVATHY TEMPLE RENOVATION
COMMITTEE REPRESENTED BY SECRETARY, PAZHAYANNOOR
BHAGAVATHY TEMPLE, PAZHAYANNOOR, TALAPPILLY TALUK,
THRISSUR,, PIN - 680587 BY ADVS. GOVERNMENT PLEADER

A.ARUNKUMAR OTHER PRESENT: SRI S.RAJMOHAN - SR
GOVERNMENT PLEADER ; SRI K.P.SUDHEER -STANDING
COUNSEL- COCHIN DEVASWOM BOARD ; SRI A ARUN KUMAR -
SC, KSEB THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 30.06.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

Anil K. Narendran, J.

The petitioner, who is a devotee of Pazhayannur Bhagavathy Temple in Thalappilly Taluk, Thrissur District, which is a temple managed by the 5 th respondent Cochin Devaswom Board, has filed this writ petition under Article 226 of the Constitution of India seeking a writ of mandamus commanding the 1st respondent District Collector, Thrissur and the 2nd respondent Executive Engineer, Public Works Department, Roads Division, Thrissur to take efficacious and expeditious action against the illegal encroachment by the 3 rd respondent Assistant Executive Engineer, Kerala State Electricity Board, Chelakkara and the 4th respondent Assistant Engineer, Kerala State Electricity Board, Pazhayannoor, in the property of Pazhayannoor Bhagavathy Temple, despite Ext.P1

judgment of the Munsiff Court, Wadakkanchery in O.S.No.358

of 2012. The petitioner has also sought for a writ of mandamus commanding respondents 1 to 4 to immediately consider Exts.P2 to P5 representations within a time frame to be fixed by this Court.

2. The grievance of the petitioner is that despite Ext.P1

judgment of the Munsiff Court, Wadakkanchery in O.S.No.358

of 2012, respondents 2 and 4 have encroached into the property of Pazhayannur Bhagavathy Temple. Pointing out that aspect the petitioner submitted Exts.P2 to P5 representations before respondents 1 to 4.

3. Heard the learned counsel for the petitioner, the

learned Senior Government Pleader for respondents 1 and 2, the learned Standing Counsel for Kerala State Electricity Board, for respondents 3 and 4, and also the learned Standing Counsel for Cochin Devaswom Board, for the 5th respondent.

4. The learned Standing Counsel for Cochin Devaswom

Board would submit that the 6th respondent Pazhayannur Bhagavathy Temple Renovation Committee has already been dissolved. In such circumstances, service of notice on the 6th respondent is dispensed with.

5. During the course of arguments, the learned

Standing Counsel for Cochin Devaswom Board and also the learned Standing Counsel for Kerala State Electricity Board would point out the pendency of O.S.No.80 of 2023 before the Munsiff Court, Wadakkanchery and also the order of injunction granted by the said court, i.e., the order dated 13.04.2023 in I.A.No.4 of 2023, whereby respondents 3 and 4 herein are restrained from trespassing or encroaching into the petition schedule properties and installing transformer or doing any other activities therein, till the disposal of the suit.

6. The learned Standing Counsel for Kerala State

Electricity Board would submit that since the matter is sub judice in O.S.No.80 of 2023 and there is also an order of injunction in I.A.No.4 of 2023, respondents 3 and 4 have no intention to do any activity in the disputed land. In such circumstances, recording the aforesaid stand taken by respondents 3 and 4 and taking note of the pendency of O.S.No.80 of 2023 before the Munsiff Court, Wadakkanchery and also the order of injunction granted in I.A.No.4 of 2023, this writ petition is disposed of; however, leaving open the legal and factual contentions raised by both sides. Sd/- ANIL K. NARENDRAN, JUDGE Sd/- P.G. AJITHKUMAR, JUDGE Dxy APPENDIX OF WP(C) 14284/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE JUDGMENT IN OS 358 / 2012 OF MUNSIFF'S COURT WADAKKANANCHERY DATED 19.01.2016 Exhibit P2 TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE 1ST RESPONDENT DATED Exhibit P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE 2ND RESPONDENT DATED Exhibit P4 TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE 3RD RESPONDENT DATED Exhibit P5 TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE 4TH RESPONDENT DATED

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com