

K.E.Aliyar vs the District Collector,

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SooperKanoon Citation : sooperkanoon.com/1484613

Court : Kerala

Decided On : Aug-31-2022

Judge : Honourable Mr. Justice T.R.Ravi

Appeal No. : WP(C)/17478/2022

Appellant : K.E.Aliyar

Respondent : The District Collector,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE T.R.RAVI WEDNESDAY,
THE 31ST DAY OF AUGUST 2022 / 9TH BHADRA, 1944 PETITIONER:
K.E.ALIYAR AGED 55 YEARS S/O. IBRAHIM, KARUKUNNATH
HOUSE, PERINGALA P.O, KUNNATHUNAD, ERNAKULAM- 678 557.

BY ADVS. I.DINESH MENON L.RAJESH NARAYAN(K/372/2003)
RESPONDENTS: 1 THE DISTRICT COLLECTOR, COLLECTORATE
CIVIL STATION, KAKKANAD, ERNAKULAM- 682 030. 2 THE VILLAGE
OFFICER, KUNNATHUNADU VILLAGE, ERNAKULAM- 683 561. 3 THE
TAHSILDAR/TALUK OFFICER, KUNNATHUNADU TALUK,
ERNAKULAM 683 561. SMT.V.DEEPA-GP THIS WRIT PETITION

(CIVIL) HAVING COME UP FOR ADMISSION ON 31.08.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

T.R. RAVI, J.

W.P.(C) No.17478 of 2022 Dated this the 31st day of August, 2022

JUDGMENT

The prayer in the writ petition is for a direction to the 2 nd respondent to consider and pass orders on Exts.P5 and P6 within a time limit and also for a direction to the 2 nd respondent to assign the property to the petitioner for the beneficial enjoyment of his property as sought for in Ext.P5.

2. The Government Pleader on instructions submits that

the property is a road puramboke and hence when Exts.P5 and P6 are considered, the view of the PWD will also have to be taken into account. That is a matter for the 2nd respondent to consider. In such circumstances, the writ petition is disposed of, directing the 2nd respondent to consider and pass orders on Exts.P5 and P6 after hearing the petitioner and any such interested parties including the PWD at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment. Sd/- T.R.RAVI JUDGE mpm APPENDIX OF WP(C) 17478/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE SALE DEED NO. THE PETITIONER. Exhibit P2 TRUE COPY OF THE BASIC TAX RECEIPT DATED 06.11.2020. Exhibit P3 TRUE COPY OF THE VALUATION CERTIFICATE PRODUCED BEFORE THE SUB REGISTRAR DATED 24.06.2020. Exhibit P4 FEW PHOTOGRAPHS OF THE PROPERTY OF THE PETITIONER. Exhibit P5 TRUE COPY OF THE APPLICATION DATED 25.05.2022 BEFORE THE 2ND RESPONDENT. Exhibit P6 TRUE COPY OF THE REQUEST TO CUT AND REMOVE TREES AND SHRUBS FALLEN DOWN TO WIND AND RAIN. Exhibit P7 TRUE COPY OF THE PHOTOGRAPHS OF THE PROPERTY.