

Mickle vs Assistant Executive Engineer

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Court : Kerala

Decided On : Dec-16-2021

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/27935/2021

Appellant : Mickle

Respondent : Assistant Executive Engineer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 16TH DAY OF DECEMBER 2021 / 25TH AGRAHAYANA, 1943 WP(C) NO. 27935 OF 2021 PETITIONER: MICKLE AGED 60 YEARS S/O OUSEPH, KATTUKKARAN HOUSE, EVANUR P O, CHEROOR, THRISSUR, PIN-680008. BY ADV T.K.AJITHKUMAR (VALATH) RESPONDENTS: 1 ASSISTANT EXECUTIVE ENGINEER P W D ROADS SUB DIVISION, THRISSUR-680020. 2 THE DISTRICT COLLECTOR THRISSUR, COLLECTORATE, CIVIL STATION, THRISSUR- 680003. OTHER PRESENT: SMT.K.AMMINIKUTTY .SR.G.P. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16.12.2021, THE COURT ON THE

SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 27935 OF 2021 2

JUDGMENT

The petitioner impugns Ext.P4 notice issued to him under the provisions of Land Conservancy Act

('LC Act' for short) on various grounds

thus being denied the opportunity of showing cause against the proposed action.

2. The learned Senior Government Pleader - Smt.K.Amminkutty, answered the afore allegations of

the petitioner, as made by his learned

Collector is of the opinion that it is expedient to do so, then a notice akin to Ext.P4 can be issued. However, to a pointed question from this Court, she was unable to inform me where the District Collector has so recorded in Ext.P4, even if such a power is conceded to him.

3. It is, therefore, obvious that Ext.P4 cannot

find my favour and that the matter will have to be WP(C) NO. 27935 OF 2021 3 reconsidered by the District Collector in terms of the 'LC Act'. Resultantly, I order this writ petition and set aside Ext.P4; with full liberty being reserved to the District Collector to act implicitly in terms of the LC Act, after following due procedure and affording necessary opportunity of being heard to the petitioner as are required in law.

Sd/- DEVAN RAMACHANDRAN JUDGE MC/16.12 WP(C) NO. 27935 OF 2021 4
APPENDIX OF WP(C) 27935/2021 PETITIONER EXHIBITS Exhibit P1 PHOTO COPY OF THE SALE DEED NO.5086/2003 DATED 22.08.2003. Exhibit P2 TRUE COPY OF THE NOTICE LAND TAX RECEIPT DATED 18.06.2021 ISSUED FROM PERINGAVU VILLAGE OFFICER. Exhibit P3 PHOTO COPY OF THE RECEIPT DATED 2.3.2021 ISSUED FROM THE THRISSUR MUNICIPAL

CORPORATION. Exhibit P4 THE TRUE COPY OF THE NOTICE DATED 2.12.2021 ISSUED BY THE 1ST RESPONDENT.

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