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Ajith.R.S vs the Executive Engineer

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Court : Kerala

Decided On : Jan-31-2020

Judge : Honourable Mr. Justice a.Muhamed Mustaque

Appeal No. : WP(C)/26194/2019

Appellant : Ajith.R.S

Respondent : The Executive Engineer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE FRIDAY, THE 31ST DAY OF JANUARY 2020 / 11TH MAGHA, 1941 WP(C).No.26194 OF 2019(Y) PETITIONER/S: AJITH.R.S., AGED 50 YEARS, S/O.RADHAKRISHNA NAIR, KULANGARA, POOTHAMKARA, ELAMANNOOR VILLAGE, ADOOR TALUK, PATHANAMTHITTA DISTRICT-691 554. BY ADV. SRI.K.K.SETHUKUMAR RESPONDENT/S: 1 THE EXECUTIVE ENGINEER, PWD ROADS, PATHANAMTHITTA, PATHANAMTHITTA P.O-689 645. 2 THE ASST. EXECUTIVE ENGINEER, PWD ROADS DIVISION, ADOOR , ADOOR P.O- 691 513. BY GOVERNMENT PLEADER, SRI.SYAMJIRAM THIS WRIT PETITION (CIVIL) HAVING

BEEN FINALLY HEARD ON 31.01.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No.26194/2019 2

JUDGMENT

Dated this the 31st day of January 2020 The petitioner approached this Court aggrieved by inaction on the part of respondents to remove the encroachment on public way. As seen from the photographs, a shed has been constructed. The petitioner is not able to identify the individuals, who have constructed the shed.

2. The learned Government Pleader, on instructions, submitted that this was constructed by a group of people during election time and therefore, no action could not be initiated.

3. Having considered the facts and circumstances, there shall be a direction to the respondents to initiate immediate action to remove the encroachment and to restore the public land.

The writ petition is disposed of as above. Sd/- A.MUHAMED MUSTAQUE JUDGE ln WP(C).No.26194/2019 3 APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE PHOTOCOPY OF THE DEED NO. 118/1/2016 DATED EXHIBIT P2 TRUE COPY OF THE LAND TAX RECEIPT NO. KL03010308116/2019 DATED 11/5/2019 OF ENADIMANGALAM VILLAGE OFFICE.

EXHIBIT P3 TRUE PHOTOCOPY OF THE COMPLAINT DATED 23/9/20

UNAUTHORIZED AND CONSTRUCTION. EXHIBIT P6 TRUE PHOTOCOPY OF THE JUDGMENT IN WPC 17962 OF EXHIBIT P7 TRUE PHOTOCOPY OF THE JUDGMENT IN WPC 27918 OF 2011. RESPONDENTS EXHIBITS:NIL. //TRUE COPY// P.A.TO JUDGE

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