

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 21ST DAY OF MARCH 2022 / 30TH PHALGUNA, 1943

WP(C) NO. 6492 OF 2022

PETITIONERS:

- 1 THAHIRA N.P., AGED 50 YEARS, W/O. ABDUL BASHEER,
GAREEB NAWAS, KOLARI AMSOM, KALLOOR DESOM, MATTANNOOR
P.O, THALASSERY TALUK, KANNUR DISTRICT PIN 670 702
- 2 ABDUL BASHEER, AGED 61 YEARS
W/O. LATE ABDUL KHADER, GAREEB NAWAS, KOLARI AMSOM,
KALLOOR DESOM, MATTANNOOR P.O, THALASSERY TALUK, KANNUR
DISTRICT PIN 670 702

BY ADVS.
VARGHESE C.KURIAKOSE
SUSANTH SHAJI

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY ITS SECRETARY, LOCAL
SELF GOVERNMENT DEPARTMENT, THIRUVANANTHAPURAM 695 001
- 2 THE MATTANUR MUNICIPALITY, MUNICIPAL OFFICE,
MATTANNOOR, KANNUR DISTRICT, PIN 670 702 REPRESENTED BY
ITS CHAIRPERSON
- 3 THE SECRETARY, MATTANNOOR MUNICIPALITY, MUNICIPAL
OFFICE, MATTANNOOR, KANNUR DISTRICT PIN 670 702

SMT. MABLE .C .KURIAN SR.G.P

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioners have approached this Court seeking a direction to respondents 2 and 3 to answer the queries posed by them in Exts.P7 and P8, particularly as to whether they have any intention to acquire their property and as to how they can impose an embargo against its alienation by them, if there is any such.

2. The afore request of the petitioner, made by their learned counsel Sri.Varghese C.Kuriakose, was answered by the the learned Senior Government Pleader - Smt.Mable C.Kurian, saying that it is for respondents 2 and 3 to reply to the petitioners and that the State of Kerala and its functionaries had no role to play, particularly because the proposal is one which is propounded by the Municipality.

3. Unfortunately, the endorsements on file reveal that even though summons from this Court have been validly served on respondents 2 and 3, they have chosen not to be present in person or to be represented through counsel; inferentially guiding me to the impression that they have nothing to offer in opposition to the various reliefs sought for in this writ petition.

4. Resultantly, I allow this writ petition and direct the competent among respondents 2 and 3 to immediately take up Exts.P7 and P8 and hear the petitioners, thus culminating in an appropriate proceedings and action thereon - particularly with respect to the allegation of the petitioners that their property has not been acquired, but an embargo of alienation imposed against it, as expeditiously as is possible, but not later than two weeks from the date of receipt of a copy of this judgment.

For the afore purpose, I direct the petitioners to mark appearance before the third respondent – Secretary of the Municipality, along with the certified copy of this judgment, at 11 a.m. on 25.03.2022.

Sd/- DEVAN RAMACHANDRAN
JUDGE

stu

APPENDIX OF WP(C) 6492/2022

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE DOCUMENT NO. 522/2006 OF SRO, MATTANNOOR DATED 14-03-2006 OBTAINED BY THE 1ST PETITIONER
- Exhibit P2 TRUE COPY OF THE DOCUMENT NO 524/2006 OF SRO, MATTANNOOR DATED 14-03-2006 OBTAINED BY THE 2ND PETITIONER.
- Exhibit P3 TRUE COPY OF THE NOTICE DATED 11-03-2009 ISSUED BY THE 3RD RESPONDENT TO THE 2ND PETITIONER.
- Exhibit P4 TRUE COPY OF THE ORDER DATED 25-06-2009 IN APPEAL NO 394/2009 PASSED BY THE COURT OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM
- Exhibit P5 TRUE COPY OF THE ORDER DATED 25-06-2009 IN APPEAL NO. 395/2009 PASSED BY THE COURT OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM
- Exhibit P6 TRUE COPY OF THE JUDGMENT IN W.P(C) NO. 22775/2009 DATED 22-08-2012 PASSED BY THIS HONOURABLE COURT
- Exhibit P7 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER DATED 02-02-2022 TO THE 2ND AND 3RD RESPONDENTS
- Exhibit P8 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER DATED 02-02-2022 TO THE 2ND AND 3RD RESPONDENTS
- Exhibit P9 TRUE COPY OF THE ACKNOWLEDGMENT CARD SIGNED BY THE 2ND RESPONDENT IN RELATION TO EXT P7
- Exhibit P10 TRUE COPY OF THE ACKNOWLEDGMENT CARD SIGNED BY THE 2ND RESPONDENT IN RELATION TO EXT P8