

(2026) 04 KL CK 0212

In the High Court Of Kerala

Case No : Writ Petition (C) No. 12780 Of 2025

Joseph D' Silva

APPELLANT

Vs

State Of Kerala Represented By Secretary To The Government

RESPONDENT

Date of Decision : 01-04-2026

Acts Referred:

Constitution of India, 1950 — Article 226
Kerala Panchayat Raj Act, 1994 — Section 218

Citation : (2026) 04 KL CK 0212

Hon'ble Judges : Anil K. Narendran, J; Muralee Krishna S., J

Bench : Division Bench

Advocate : G.Sreekumar (Chelur), Arun Thomas, Aswin Sethumadhavan

Final Decision : Dismissed

Judgement

Muralee Krishna S., J.

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India, seeking a writ of certiorari to quash Ext.P16 prohibitory order dated 13.03.2025 issued by the 6th respondent Village Officer, Munnar Village Office; a writ of certiorari to quash Ext.P17 order dated 09.10.2025 of the Secretary, Munnar Grama Panchayath; and a writ of mandamus commanding the respondents not to interfere with the petitioner laying slabs as permitted by the Munnar Grama Panchayath in Ext.P14 communication dated 05.04.2024 and Ext.P15 drawing provided by the petitioner to the Panchayath.

2. The pleadings in the writ petition in brief are as follows: the property having an extent of 15.300 Cents in Sy. No.843/A of Kannan Devan Hills Village was originally assigned to one M. Chellappan, under the provisions of Kerala Land Assignment Rules, 1964 and Kerala Land Assignment Act, 1960, and accordingly, Ext.P1 Patta bearing No.8897 was issued to him by the Special Tahsildar (Land Assignment), Devikulam, in L.A.No.1 of 1979. A

Thodu has been passing through the said 15.300 cents of land, practically dividing the property into two. By Ext.P2 document bearing No.2016 of 1979 dated 24.10.1979 of the SRO, Devikulam, the said M. Chellappan sold the property to one Ramakrishna Pillai. Out of the said 15.300 cents, Ramakrishna Pillai sold an extent of 10.300 cents to one Abraham K. Bagavathiparambil, by virtue of Ext.P3 document dated 19.11.1985, bearing No.1799 of 1985 of SRO, Devikulam. The petitioner purchased the said 10.300 cents from Abraham K. Bagavathiparambil by virtue of Ext.P4 document dated 02.08.1991 bearing No.1455 of 1991 of SRO, Devikulam. The petitioner has been in possession and enjoyment of the said property by paying basic tax to the Government. Since there is a heavy flow of water through the Thodu passing through the property, in order to secure its banks, the petitioner obtained permission from the local authority for putting up side walls. For the purpose of access from one property to another, which is absolutely necessary, the petitioner wanted to put up slabs across the Thodu. On the said request of the petitioner, the Committee of the Munnar Grama Panchayath deliberated on this aspect and permitted the petitioner to put up slabs of 10 ft. Width and for further proceedings, the Secretary of the Grama Panchayath was authorised by the Committee. The Panchayath decision No.13 dated 05.04.2024 was informed to the petitioner by Ext.P14 communication. Accordingly, the petitioner made preparations for constructing a protection wall by the side of the Thodu, and prepared Ext.P15 drawing and submitted the same to the Panchayath. But when the construction was going on, stating that the flow of water would get obstructed and putting up of slabs would be against the disaster management, the 6th respondent, Village Officer, issued Ext.P16 prohibitory order dated 13.03.2025 demanding the petitioner to stop the construction. Access to the piece of land of the petitioner situated on the other side of the Thodu is possible only by constructing a ramp across the Thodu, which was permitted as per Ext.P14 communication issued by the Panchayath. Subsequently, the petitioner was issued with Ext.P17 order dated 09.10.2025 of the Secretary, Munnar Grama Panchayath, stating that the permission granted is withdrawn. Before issuing Ext.P17 order, the petitioner was not given the opportunity of a hearing. Therefore, the petitioner is constrained to approach this Court with this writ petition.

3. The 5th respondent, Tahsildar (LR), Devikulam, filed a counter affidavit dated 10.07.2025 in the writ petition opposing the reliefs sought for in the writ petition. It is contended in that counter affidavit that, as per the interim orders passed in W.P.(C)No.1801 of 2010, this Court has directed that no construction activities should be permitted in the Munnar area without obtaining a No Objection Certificate from the Revenue Department. The property of the petitioner is situated in Sy. No.843/A is in Munnar Village, and the attempt of the petitioner was to put up a slab across the Thodu, which belongs to the Government. When the illegal construction activities were brought to the notice of the District Collector and the Tahsildar, instructions were issued to the

Village Officer to issue a stop memo, which resulted in Ext.P16 stop memo, preventing the petitioner from carrying out the construction activities. It is further contended in the counter affidavit of the 5th respondent that the verification of records reveals that the property situated in Sy.Nos.843/A and 843/B of Munnar Village (formerly KDH Village) were acquired by the Government in 1941 for the Pallivasal Hydro Electric Project and retained as puramboke. Therefore, the issuance of Land Assignment Patta by way of Ext.P1 is under scrutiny of the Revenue and Vigilance Department. If at all the petitioner requires any No Objection Certificate from the revenue department, he has to submit a necessary application along with supporting documents to the District Collector. The verification of the genuineness of the Land Assignment Patta is yet to be completed by the revenue department.

4. The 2nd respondent filed a counter affidavit dated 12.10.2025, opposing the reliefs sought for in the writ petition, and producing therewith Exts.R2(a) to R2(c) documents. In the counter affidavit, the 2nd respondent contended that, noticing the huge construction made by the petitioner over the Thodu, the Panchayath Committee convened a meeting on 29.05.2025 and cancelled the permission granted to the petitioner on 05.04.2024 as per Ext.R2(a) decision. Thereafter, the Panchayath issued Ext.R2(c) notice dated 09.10.2025 to the petitioner to demolish the illegal construction across the Thodu. The 2nd respondent further contended that the Thodu is vested with the Munnar Grama Panchayath as per Section 218 of the Kerala Panchayat Raj Act, 1994, and therefore the construction made by the petitioner is violating the sanction granted by the Panchayath and is without obtaining No Objection Certificate from the revenue department as per the interim order in W.P.(C)No.1801 of 2010.

5. Heard the learned counsel for the petitioner, the learned Special Government Pleader and the learned Standing Counsel for Munnar Grama Panchayath.

6. The learned counsel for the petitioner would submit that since a water channel is passing through the property of the petitioner, practically, his property has been divided into two, and access to the other portion of the property is possible only if a ramp is constructed across the Thodu by putting up slab. Since the Panchayat has not put up the ramp or revetted the sides of the Thodu, in order to protect his property, the petitioner requested permission to do the said works by spending from his pocket. Though, as per Ext.P14 decision dated 05.04.2024 of the Panchayath Committee, permission was initially granted to the petitioner to put up a concrete slab across the Thodu, later, without hearing the petitioner, the said decision was cancelled by the Panchayat. So also, Ext.P16 order was passed by the Village Officer, directing the petitioner to stop the construction without hearing him. Therefore, natural justice is denied to the petitioner. 7. On the other hand, the learned Special Government Pleader would submit that the petitioner started the construction of the bridge across the Thodu without obtaining a No Objection

Certificate from the competent authority as directed by this Court in the interim order dated 21.01.2010 in W.P.(C)No.1801 of 2010. Moreover, the issuance of Patta to the predecessor of the petitioner itself is doubtful, and the genuineness of the same is under scrutiny of the Tahsildar concerned.

8. The learned Standing Counsel for Munnar Grama Panchayath would submit that Ext.P14 decision was later cancelled by the Panchayath as per Ext.R2(a) decision of the committee on 29.05.2025.

9. We have carefully perused the materials placed on record and appreciated the rival submissions made at the Bar. From Ext.R2(b) photograph produced by the 2nd respondent Grama Panchayath, we notice that the petitioner has constructed a concrete bridge across the water channel, which, according to the petitioner, passes through the middle of his property. By the order dated 21.01.2010 in W.P.(C)No.1801 of 2010, this Court made it mandatory to obtain a No Objection Certificate from the competent authority before effecting any construction in the Munnar region. Admittedly, the petitioner put up the concrete bridge across the water channel without obtaining a No Objection Certificate from the authority concerned. Therefore, Ext.P16 stop memo was issued by the 6th respondent, Village Officer, restraining the petitioner from putting up the concrete slab or in other words, a bridge across the Thodu.

10. In Ext.P16 stop memo, it is stated that the construction of the bridge across the water channel is in such a way that it prevents the free flow of water and results in the accumulation of waste therein. Noting the same, the District Collector, being the Chairman of the District Disaster Management Committee instructed the Tahsildar to take steps to stop the said illegal construction.

11. From the counter affidavits and from Ext.R2(a) decision of the panchayath committee produced along with the counter affidavit of the 2nd respondent, it is clear that Ext.P14 permission granted by the Panchayath to the petitioner to construct a bridge across the water channel was cancelled by the Panchayath on understanding the mistake in granting the said permission. In such circumstances, we have no hesitation to hold that there is no illegality in Ext.P16 order passed by the 6th respondent Village Officer and also Ext.R2(a) decision of the Panchayath to cancel Ext.P14 permission granted by the Panchayath.

12. Having considered the pleadings and materials on record and the submission made at the Bar, as discussed above, we hold that the petitioner has not made out sufficient ground to allow the writ petition. Therefore, the writ petition is liable to be dismissed.

In the result, this writ petition stands dismissed; however, making it clear that the revenue authorities as well as the Panchayath concerned are entitled to proceed further in view of Ext.P16 order and Ext.R2(a) decision, in accordance with the law, after giving opportunity of hearing to the petitioner..