

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 30th July, 2010.

H.R.M.P.No. 641 of 2009

Petitioner : Asokan Vasu, Prathibhas,
Navaikulam.P.O – 695603

Respondent :

ORDER

The petitioner obtained two loans for Rs.1.62 crores and for Rs.16 lakhs from the Kerala Financial Co-operative Bank and Peroorkda Service Co-operative Bank respectively by pledging his 34 cents of property and he constructed a building using the said amount. His complaint is that at 6.00 a.m. on 27-11-2008 the Sub Collector, Thiruvananthapuram, along with the Tahsildar, Chirayinkizh, the Village Officer, Navaikulam, and the Police officials came there and demolished the said building without any prior intimation. He requests for an enquiry in the matter.

In the report submitted by the District Collector, Thiruvananthapuram, it is stated that on receipt of a complaint from the Executive Engineer, N.H. Sub Division alleging that the petitioner is constructing a building after encroaching the purambocku land, the Village Officer, Navaikulam, visited the spot and requested the Taluk Surveyor to find out the encroachment and later the Taluk Task Force measured the land and on 3-7-2007 submitted a sketch fixing the encroachment. According to the report, on a perusal of the sketch the encroachment and the unauthorized constructions by the petitioner and one

Muralilal were noticed. Accordingly the Village Officer booked an L.C. Case and also issued 'B' Form notice to them who appeared for hearing on 14-8-2007 and raised objections regarding the measurement of the Task Force. Therefore, the District Survey Superintendent was asked to take steps in measuring the land and accordingly the land was measured on 18-11-2008 in the presence of the parties.

In the report it is further stated that in the notice issued to them they were asked to evict the land voluntarily within three days or otherwise steps will be taken for evicting them and since they did not vacate the land even after the expiry of the period the unauthorized occupants were evicted at 9.30 a.m. on 27-11-2008 by the Tahsildar, Chirayinkizh and the Village Officer, Navaikulam, with the help of police officials in the presence of the Sub Collector.

It is also stated in the report that the petitioner filed WP (C) 35084/08 before the High Court in the same subject matter in which the Court ordered for maintaining statusquo for four months and thereafter the High Court appointed an Advocate Commissioner who inspected the spot on 9-8-2009 and at that time the Taluk Surveyor convinced the Commissioner about the encroachment by measuring the same.

The above report shows that the matter relates to eviction proceedings and subjudice. In the above circumstances no further orders can be passed by this Commission.

The petition is hence closed.

Justice N.Dhinakar,
Chairperson.