

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Crl.MC.No. 4754 of 2015

**ORDER DATED 6.6.2015 IN CMP 9/2015 of SUB DIVISIONAL MAGISTRATE COURT,
TIRUR, MALAPPURAM**

.....

PETITIONER(S):

1. **ABDUL SAMMAD P.,
KOLAKOOTHU HOUSE, MONGAM P.O., MALAPPURAM DISTRICT,
PIN - 673 642.**
2. **MOHAMMED ALI K.,
MOOLAKKOTTIL HOUSE, MUSLIYARPEEDIKA, VALLUVAMBRAM P.O.,
MALAPPURAM DISTRICT, PIN - 673 642.**
3. **HANEEFA A.,
KARATHADAM HOUSE, ARIMBRA P.O., MALAPPURAM DISTRICT,
PIN - 673 638.**
4. **MUNEER K.,
KOTTUVANDRA HOUSE, KOLLOTHU,
KONDOTTY P.O.,MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI
SMT.ANJANA KANNATH**

RESPONDENT(S):

1. **THE SUB DIVISIONAL MAGISTRATE,
TIRUR, MALAPPURAM DISTRICT, PIN -676 101.**
2. **MORAYUR GRAMA PANCHAYATH
MORAYUR P.O., MALAPPURAM DISTRICT, PIN - 673 642
REPRESENTED BY ITS SECRETARY.**
3. **MOHAMMED BENGALATH,
GENERAL SECRETARY,
MALABAR FOUNDATION FOR CIVIC WELFARE, MONGAM P.O.,
MALAPPURAM DISTRICT, PIN - 673 642.**
4. **THE MEDICAL OFFICER,
PUBLIC HEALTH CENTRE, MORAYUR, MALAPPURAM DISTRICT,
PIN - 673 642.**
5. **THE HEALTH INSPECTOR,
MORAYOOR GRAMA PANCHAYATH,
MORAYUR P.O.MALAPPURAM DISTRICT, PIN - 673 642.**

R1 & R4 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE-A(1): TRUE COPY OF THE NOTICE DATED 17.7.2015 ISSUED BY THE 2ND RESPONDENT IN FAVOUR OF 1ST PETITIONER.

ANNEXURE-A(2): TRUE COPY OF THE NOTICE DATED 17.7.2015 ISSUED BY THE 2ND RESPONDENT IN FAVOUR OF 2ND PETITIONER.

ANNEXURE-A(3): TRUE COPY OF THE NOTICE DATED 17.7.2015 ISSUED BY THE 2ND RESPONDENT IN FAVOUR OF 3RD PETITIONER.

ANNEXURE-A(4): TRUE COPY OF THE NOTICE DATED 17.7.2015 ISSUED BY THE 2ND RESPONDENT IN FAVOUR OF 4TH PETITIONER.

ANNEXURE-B: TRUE COPY OF THE ORDER DATED 6.6.2015 OF THE 1ST RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
CRL.M.C. No. 4754 of 2015
.....

Dated this the 2nd day of November, 2015

ORDER

According to the petitioners, they are being proceeded against by the Morayur Grama Panchayat through Annexure A(1) to A(4), on the basis of Annexure-B order. Annexure-B is a conditional order passed by the learned Sub Divisional Magistrate, Tirur on a petition filed by the 3rd respondent herein. The said conditional order was passed against the Secretary of the Morayur Grama Panchayat. Through the said order, the 2nd respondent was directed by the learned Sub Divisional Magistrate to stop and remove the illegal trade and sale of fish, vegetables and meat in the Mongam Town within 10 days or to appear and show cause on 01.07.2015.

2. According to the petitioners, they are not bound by Annexure-B order as they were not made parties.

Presently, the Panchayat is proceeding against the petitioners under the guise of Annexure-B, through Annexures A(1) to A(4), which according to the petitioners, at the instance of the petitioner in Annexure-B.

3. It seems that the petitioners were not made parties to Annexure-B proceedings. In such case, they are not bound by Annexure-B order. Under the guise of Annexure-B, the Panchayat cannot proceed against the petitioners. According to the petitioners, they are conducting business in a private property and the Panchayat is not in any way concerned about it. Unless and until the petitioners are made parties to the proceedings covered by Annexure-B, they shall not be proceeded against by the Panchayat under the guise of Annexure-B.

With the said observations, this Crl.M.C. is disposed of.

Sd/- B.KEMAL PASHA, JUDGE

ul/- [True copy]

P.S. to Judge