

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 746 of 2007 (L)

PETITIONER(S):

**S.LINKLAL,
PROPRIETOR, LAL ADVERTISING, MUKHATHALA
KOLLAM 691 577.**

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

RESPONDENT(S):

**1. UNION OF INDIA,
REPRESENTED BY GENERAL MANAGER, SOUTHERN RAILWAY
CHENNAI.**

**2. THE SENIOR DIVISIONAL COMMERCIAL
MANAGER, SOUTHERN RAILWAY, DIVISIONAL OFFICE
TRILVANDRUM.**

*** ADDL.R3 IMPEADED**

**3. A.M.SALI, DIRSHYA ADVERTISERS,
ADHUTHIYA NAGAR, H.NO.78 KANNIMEL,
KUVANAD P.O., KOLLAM.**

IS IMPEADED AS ADDL.R3 AS PER ORDER DTD.26/2/2007 IN IA.2583/07.

**R1 BY ADV. SRI.N.NAGARESH, ASG
R3 BY ADV. SRI.S.SANTHOSH KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE LETTER DATED 1/9/06 SUBMITTED BY THE PETITIONER**
- P1(A): COPY OF THE SITE SKETCH**
- P2: COPY OF THE COVER SHOWING THE LETTER ISSUED TO THE PETITIONER
BY INDUSTUD BANK BY POST**
- P3: COPY OF THE COVER SHOWING A LETTER FROM MOMS PVT.LTD.
ERNAKULAM SERVED TO THE PETITIONER BY COURIER**
- P4: COPY OF THE ANNEXURE 2 DATED 16/10/06**
- P5: COPY OF THE ANNEXURE 3 DATED 29/12/06.**

RESPONDENTS' EXHIBITS & ANNEXURES

- ANNEXURE 1: COPY OF THE LETTER DATED 4/10/2006**
- ANNEXURE 2: COPY OF THE LETTER DATED 16/10/2006**
- ANNEXURE 3: COPY OF THE LETTER DATED 29/12/2006**

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.746 of 2007

Dated this the 5th day of January, 2015

JUDGMENT

The petitioner filed an application for permission to erect a hoarding as per Ext.P1. According to the petitioner, despite the feasibility report submitted as early as in September, 2006 no decision was taken by the Railways on Ext.P1 and it was understood that steps were being taken to allow the space to a stranger. This made the petitioner to approach this Court by filing the writ petition.

2. A statement has been filed on behalf of the Railways, referring to the facts and figures and the petitioner has filed a Reply Affidavit as well, producing some additional documents as Exts.P2 to P5. When the matter came up for consideration on 13.09.2007, it was submitted from the part of the Railways that, if the petitioner was actually interested, he might remit the money as required under Annexure-I and in that case he would also be permitted to display hoarding in the site as specified in Annexure-I. Accordingly, necessary direction was given by this

Court by passing an interim order in the following terms:

"After hearing the case at some length, counsel for the Railways seeks time to file an additional Counter Affidavit to the amended writ petition filed by the petitioner. In paragraph 10 of the statement filed by the Railways, it is stated as follows:

'If the petitioner is interested, he may remit the money as required under Annexure-I and in that case he would also be permitted to display a hoarding in the site as specified in Annexure-I.'

Learned counsel confined that the Railways are still willing to comply with the above commitment in the statement.

Accordingly, there will be an interim order that if the petitioner makes remittance of the amount as specified in Annexure-I within ten days from today, he will be permitted to put up a hoarding in the site as specified in Annexure-I. On remittance of the amount, necessary permission will be given within one week."

3. There is no representation for the petitioner. It appears that the petitioner does not have any further grievance in view of the interim order passed by this Court, granting necessary relief.

In the said circumstances, the interim order is made absolute and the writ petition is disposed of accordingly.

**P.R. RAMACHANDRA MENON,
JUDGE**

sp