

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WA.No. 521 of 2010

AGAINST THE JUDGMENT DATED 05-03-2010 IN WP(C) 6679/2010.
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APPELLANT/PETITIONER:

**BABY JOSEPH, EATTATHOTTATHIL HOUSE,
THEYYAPPARA P.O., KODENCHERY,
KOZHIKODE DISTRICT.**

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA

RESPONDENT(S)/RESPONDENTS:

- 1. THE VILLAGE OFFICER,
KODATHAI VILLAGE, THAMARASSERY-VIA,
KOZHIKODE DISTRICT.**
- 2. THE HEALTH OFFICER,
KODENCHERY GRAMA PANCHAYAT,
PRIMARY HEALTH CENTRE, KODENCHERY,
KODENCHERY P.O., KOZHIKODE DISTRICT.**
- 3. THE SECRETARY,
KODENCHERY GRAMA PANCHAYAT,
KODENCHERY P.O., KOZHIKODE DISTRICT.**
- 4. THE DISTRICT ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
3RD FLOOR, ZAMORIN'S SQUARE, LINK ROAD,
KOZHIKODE.**

**R1 & R2 BY SENIOR GOVT. PLEADER SRI.P.I.DAVIS
R3 BY ADVS. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA
R4 BY ADV. SRI. M.AJAY, SC**

**THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 20-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A : TRUE COPY OF THE APPEAL DATED 5.3.2010 FILED BY THE PETITIONER BEFORE THE PRESIDENT OF THE KODENCHERY GRAMA PANCHAYAT.

ANNEXURE B : TRUE COPY OF THE RECEIPT ISSUED ON RECEIPT OF ANNEXURE-A WITH ENGLISH TRANSLATION.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.A.No.521 of 2010

Dated this the 20th day of November 2015

J U D G M E N T

Shaffique, J

This writ appeal has been filed by the writ petitioner challenging the judgment dated 05/03/2010 in W.P.C.No.6679/2010 by which the learned Single Judge did not interfere with the claim made for challenging Ext.P6 by observing that Ext.P6 is an appealable order under the provisions of the Kerala Panchayat Raj Act.

2. This Court, while admitting the writ appeal, noted that the appellants had already preferred an appeal before the appellate authorities. Under such circumstances, we do not think that there is any necessity to consider the above appeal on merits as the writ petitioner had already availed of the appellate remedy.

Accordingly, this writ appeal is dismissed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/23/10/2015