

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 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WA.No. 1326 of 2015 () IN WP(C).7546/2015

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AGAINST THE JUDGMENT IN WP(C) 7546/2015 DATED 07-04-2015  
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APPELLANT(S)/RESPONDENT No.4 :-  
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THE PARAPPUR GRAMA PANCHAYAT  
REPRESENTED BY ITS SECRETARY,  
PARAPPUR P.O., MALAPPURAM DISTRICT - 676 503.

BY ADVS.SRI.ESM.KABEER  
SRI.ABDUL MAJEED.N

RESPONDENT(S)/PETITIONER :-  
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1. STATE OF KERALA REPRESENTED BY  
THE SECRETARY TO THE GOVERNMENT,  
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM - 695 001.
2. THE DISTRICT COLLECTOR, MALAPPURAM,  
COLLECTORATE, POST MALAPPURAM - 676 505.
3. THE EXECUTIVE ENGINEER, IRRIGATION DIVISION,  
MALAPPURAM DISTRICT, PIN : 676 505.
4. V.U. KUNHAMMED, AGED 61 YEARS, S/O.MOIDHEEN HAJI,  
PWD CONTRACTOR, VAZHAYIL,  
UMMINIKADAVATH HOUSE, POST MATTATHOOR,  
OTHUKKUNGAL, VIA MALAPPURAM DISTRICT - 676 505.

BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL  
BY SRI.C.M.MOHAMMED IQUABAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03-07-  
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &  
A.M. SHAFFIQUE, J.**

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**W.A. No.1326 of 2015**  
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**Dated this the 3<sup>rd</sup> day of July 2015**

**J U D G M E N T**

**Ashok Bhushan, CJ**

Heard the learned counsel for the appellant and the learned counsel for the 4<sup>th</sup> respondent/writ petitioner.

2. This writ appeal has been filed against the judgment dated 7.4.2015 in W.P.(C) No.7546 of 2015. In the writ petition, the appellant although was issued notice, they did not appear. The learned Single Judge following the earlier judgment of this Court, Ext.P5, directed the appellant personally to make the payment of balance amount due to the petitioner.

3. Learned counsel for the appellant submits that although vakalath was sent by Panchayat, due to mistake of clerk, the same could not be filed. It is submitted that the Panchayat was not liable to make the payment. We are of the view that ends of justice be served in giving an opportunity to the appellant to file counter affidavit within two weeks from today in the writ petition. Hence, the judgment of the learned Single Judge is set aside and

W.A. No.1326 of 2015

-: 2 :-

the writ petition is remitted back to the learned Single Judge to be heard at an earlier date.

This writ appeal is allowed accordingly.

**Sd/-  
ASHOK BHUSHAN  
CHIEF JUSTICE**

**Sd/-  
A.M. SHAFFIQUE  
JUDGE**

//TRUE COPY//

P.A. TO JUDGE

Jvt