

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 213 of 2015 (B)

PETITIONER(S) :

**THE SECRETARY, PALLIKKAL BAZAR JUMA MASJID MAHALLU COMMITTEE,
P.O. PALLIKKAL, MALAPPURAM DISTRICT, KERALA,
REPRESENTED BY ITS SECRETARY,
ABDUL LATHEEF C.K., AGED 42 YEARS, S/O.MAMMAD MOYI,
KURUKKULATH HOUSE, P.O. PALLIKKAL,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN**

RESPONDENT(S):

- 1. REVENUE DIVISIONAL OFFICER/SUB DIVISIONAL MAGISTRATE,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE, TIRUR,
MALAPPURAM DISTRICT-676 101.**
- 2. K.LIYAKKATHALI, AGED 48 YEARS,
S/O.HAIDRU, CHEDAKUTHU HOUSE, POST PALLIKKAL,
MALAPPURAM DISTRICT, PIN- 673 634.**
- 3. T.ABDUL AZEES,
POST PALLIKKAL, MALAPPURAM DISTRICT, PIN- 673 634.**
- 4. PERINCHERRY MAMMUNNI,
S/O.MAMMUTTY, ATHANIKKAL HOUSE, PALLIKKAL P.O-673 634.**
- 5. C.K.ABBAS,
S/O.MOIDEEN, POTHALAKKAL HOUSE, PALLIKKAL P.O-673 634.**
- 6. THE SUB INSPECTOR OF POLICE,
THENJIPALAM POLICE STATION,
MALAPPURAM DISTRICT-676 001.**
- 7. DEPUTY TAHSILDAR (HEAD QUARTERS),
KONDOTTY TALUK OFFICE, MALAPPURAM DISTRICT-676 103.**

R1,R6 & R7 BY SR.GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 213 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** TRUE COPY OF THE JUDGMENT DATED 08.08.2014 IN
WPC NO.15762/2014 OF THE HON'BLE HIGH COURT OF KERALA.
- EXHIBIT P2:** TRUE COPY OF THE ORDER DATED 23.10.2014 PASSED BY
THE DISTRICT REGISTRAR, MALAPPURAM.
- EXHIBIT P3:** A TRUE COPY OF THE REPORT SUBMITTED BY
THE 6TH RESPONDENT BEFORE SUB DIVISIONAL MAGISTRATE,
TIRUR.
- EXHIBIT P4:** A TRUE COPY OF THE ORDER DATED 04.01.2014 PASSED BY THE SUB
DIVISIONAL MAGISTRATE, TIRUR UNDER SECTION 145(1) OF
CR.P.C., 1973 IN M.C.NO.59/2014.
- EXHIBIT P4(A):** A TRUE COPY OF THE ORDER DATED 04.11.2014 PASSED BY THE SUB
DIVISIONAL MAGISTRATE, TIRUR UNDER SECTION 146(1) OF
CR.P.C., 1973 IN M.C.NO.59/2014.
- EXHIBIT P5:** A TRUE COPY OF THE OBJECTION/WRITTEN STATEMENT
SUBMITTED BY THE PETITIONER IN M.C.NO.59/2014.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 213 of 2015

Dated this the 6th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayer:

“To call for the records leading to Exts. P1 to P5 and to direct the 1st respondent to consider Ext.P5 submitted by the petitioner and to pass final orders in M.C. No. 59/2014 pursuant to Exts. P4 and P4(a) within a time frame to be fixed by this Hon'ble Court by issuing a writ of mandamus or any other appropriate writ, direction or order.”

2. The learned counsel for the petitioner points out that, pursuant to Ext.P3 report submitted by the 6th respondent, the 1st respondent, invoking the power conferred under Section 145(1) and 146(1) of the Cr.P.C, has issued Exts. P4/P4(A) orders and that the petitioner has filed Ext.P5 objection in M.C.No. 59 of 2014. The grievance of the petitioner is with regard to the delay in finalizing the proceedings.

2. Heard the learned Government Pleader as well.

3. Considering the limited extent of relief sought for, this Court does not find it necessary to issue notice to respondents 2

to 5, as this Court does not intend to express anything with regard to the merits of the case. The 1st respondent is directed to take the proceedings to a logical conclusion, passing final orders, after considering Ext.P5 filed in response to Exts. P4/P4 (a). The exercise as above shall be finalized in accordance with law, after affording an opportunity of hearing to all concerned, including the petitioner and respondents 2 to 5 at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps. The writ petition is disposed of.

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

kp/-