

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 401 of 2015 (A)

PETITIONERS

- 1. MUJEEB RAHIMAN, AGED 37 YEARS,
S/O.ABU RAHIMAN, MARADI HOUSE, CHANDAKKUNNU,
NILAMBUR, MALAPPURAM DISTRICT.**
- 2. SHAMANAS K.S.,
KOMBAN HOUSE, ERUMAMUNDA, NILAMBUR TALUK,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.K.C.ANTONY MATHEW
SRI.JITHIN LUKOSE**

RESPONDENTS:

- 1. THE DIRECTOR, KERALA IT MISSION,
ICT CAMPUS, VELLAYAMBALAM,
THIRUVANANTHAPURAM - 695 033.**
- 2. THE DIRECTOR,
AKSHAYA, THIRUVANANTHAPURAM - 695 001.**
- 3. THE SECRETARY, AKSHAYA DISTRICT PROJECT OFFICE AND
STATE LEVEL FIELD OFFICE, DISTRICT PANCHAYATH BHAVAN,
CIVIL STATION, MALAPPURAM - 676 505.**

BY GOVERNMENT PLEADER, SRI. MOHAMMED SHAFI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 401 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1: A COPY OF THE GOVERNMENT ORDER (GO MS 17/2007) DATED
31/7/2007.**
- EXT.P2: A COPY OF THE APPLICATION FORM SUBMITTED BY THE 1ST
PETITIONER DATED 24/1/2014.**
- EXT.P3: A COPY OF THE APPLICATION FORM SUBMITTED BY THE 2ND
PETITIONER DATED 25/1/2014.**
- EXT.P4: A COPY OF THE RENT AGREEMENT EXECUTED BY THE 1ST
PETITIONER.**
- EXT.P5: A COPY OF THE RENT AGREEMENT EXECUTED BY THE 2ND
PETITIONER.**
- EXT.P6: A COPY OF THE COMMUNICATION ISSUED TO THE 1ST PETITIONER
BY THE 1ST RESPONDENT.**
- EXT.P7: A COPY OF THE REQUEST SUBMITTED BY THE PETITIONERS
BEFORE THE 1ST RESPONDENT.**

RESPONDENTS' EXHIBITS : **NIL**

//TRUE COPY//

P.A. TO JUDGE

DST

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 401 of 2015

Dated this the 23rd day of January, 2015

J U D G M E N T

The petitioners are aspirants to start Akshaya Centres at Muthedom and Erumamunda, which are stated as two backward villages in Malappuram District. Pursuant to the notification issued in this regard, the petitioners submitted Exts.P2 and P3 applications and all other relevant materials including the D.D. for the requisite amount as stipulated. But while filling up the applications, there occurred an inadvertent mistake, whereby the column with regard to the 'ownership of the building' or as to the 'possession of the building on rent' was wrongly filled up, answering in the negative. The petitioners unfortunately conceived the idea only as to the 'ownership' of the building, though they had already made arrangements to have the buildings taken on rent. Exts.P4 and P5 are the rent agreements executed in favour of the petitioners 1 and 2, respectively. The mistake came to the notice of the petitioners only subsequently, when the petitioners were informed by the 1st respondent, that the petitioners have failed to score the minimum 30% marks and

hence their applications could not be entertained. The marks came to be reduced mostly because of the wrong entry given by the petitioners with reference to the building and hence the matter is sought to be reconsidered by submitting Ext.P7 before the 1st respondent.

2. The learned Government Pleader appearing for the respondents submits on instructions that, the 1st petitioner did not secure 30% marks, as conveyed vide Ext.P6. In the case of the 2nd petitioner, it is stated that, no D.D. was produced by the said petitioner.

3. The said submission is sought to be rebutted by the learned counsel appearing for the petitioners pointing out that, the D.D. bearing No.168413 dated 24.01.2014 drawn on the Federal Bank, Nilambur Branch was also produced and that the said D.D. was never returned to the second petitioner.

4. After hearing both the sides, this Court finds that the matter requires to be considered by the 1st respondent. Accordingly, there will be a direction to the 1st respondent to consider Ext.P7 and pass appropriate orders, in accordance with law, also affording an opportunity to substantiate the facts and

figures, if so necessitated. It shall be done at the earliest, at any rate within one month from the date of receipt of a copy of this judgment.

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

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn