

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 5611 of 2009 (V)

PETITIONER:

K.T.REMANY ,AGED 34 YEARS
W/O. SUBHASH, ANGANVADY WORKER, PLAKKUDI HOUSE
OKKAL PO, PERUMBAVOOR.

BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.P.P.BIJU

RESPONDENTS:

1. THE OKKAL GRAMA PANCHAYAT REP. BY
ITS SECRETARY,OKKAL, PERUMBAVOOR.
2. THE DISTRICT OFFICER
SOCIAL WELFARE DEPARTMENT, KAKKANAD, ERNAKULAM.

R1 BY ADV. SRI.NIREESH MATHEW
R2 BY GOVERNMENT PLEADER SRI.ARUN KUMAR M.R. KARANAVAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27.11.2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 : TRUE COPY OF THE PHOTOGRAPH OF THE SAID BUILDING.

P2 : TRUE COPY OF THE PHOTOGRAPH OF THE SAID INCOMPLETED BUILDING.

P3 : TRUE COPY OF THE NOTIFICATION ISSUED BY THE ASSISTANT ENGINEER FOR THE CONSTRUCTION OF THE NEW BUILDING APPEARED IN MATHRUBOOMI DAILY DATED 9.2.2009.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A TO JUDGE

smv

SHAJI P. CHALY, J.

W.P.(C). No.5611 of 2009

Dated this the 27th day of November, 2015

JUDGMENT

This writ petition is filed by the petitioner seeking direction to the 1st respondent not to remove Anganvady No.31 of Koovappady Block functioning in building No.378 evident from Ext.P1 photograph and for other related reliefs.

2. Brief facts for the disposal of the writ petition are as follows:

3. Petitioner is an Anganvady worker in Anganvady No.31 of Koovappady Block, under the control of the 2nd respondent. The Anganvady is functioning in building No.378 belonging to the 1st respondent Grama Panchayat from the year 2000 onwards. The Anganvady is situated in a remote rural area and the children belonging to poor coolie workers are depending this institution and the petitioner is making her livelihood from the meager income derived from the Anganvady as an Anganvady worker. It is also contended that the 1st respondent started construction of a building for housing the Anganvady a few years

back and even though the structure is completed, the 1st respondent is not paying any attention to complete the construction.

4. It is contended by the petitioner that, without completing the construction of the building, the 1st respondent is attempting to remove the Anganvady from the existing building and is attempting to construct a shopping complex in the said premises. Therefore, the apprehension of the petitioner is that, if the building is demolished without completing the newly put up construction for housing the Anganvady, the existing Anganvady will be closed and thereby lot of difficulties will be caused to the people of the locality as well as the petitioner. It is also contended that even though several representations were submitted before the Panchayat and the ward member, no action was initiated to redress the grievances of the petitioner and the people of the locality. Petitioner has also invited my attention to Ext.P3 which is a notice issued by the Panchayat inviting tenders for construction of a community hall. Therefore, it is apprehended by the petitioner that immediate action will be taken by the Panchayat to construct the community hall and thereby the present building in which the Anganvady is

functioning will be demolished. It is thus aggrieved, petitioner has preferred this writ petition.

5. Heard learned counsel and perused the records. The sole question remaining is whether the Panchayat has the power to remove the Anganvady from the existing building and construct a community hall thereunder. It is true that the Panchayat has got every right to construct any building in the property within its ownership and possession. But at the same time Panchayat will also take into account the purpose for which an Anganvady was constituted and also that several people are depending on the same. In that view of the matter, the Panchayat is duty bound to see that the Anganvady is properly housed. If construction of the building undertaken by the Panchayat is complete, the Panchayat is at liberty to shift the Anganvady to the said premises. In the circumstance, it is only just and proper that a direction is issued to the Panchayat to ensure that the building in which the Anganvady is presently functioning will be demolished by the Panchayat only after housing the Anganvady in the Panchayat building or in any other suitable building.

6. Interim order granted by this Court will continue till

such time. Therefore, there will be a direction to the Panchayat not to remove the Anganvady from the existing building without accommodating the same in a suitable building.

Writ petition is disposed of accordingly.

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.A. To Judge

smv
27.11.2015