

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

W.P.(C).No. 1510 of 2015 (K)

PETITIONER(S):

**E.M.BABU, AGED 47 YEARS,
S/O.MADHAVAN, EDACHERIL HOUSE,
CHOTTANIKKARA,
ERNAKULAM DISTRICT.**

BY ADV. SRI.R.RAMADAS

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT,
TRIVANDRUM-695 001.**
- 2. THE DISTRICT COLLECTOR,
ERNAKULAM, COLLECTORATE, KAKKANAD,
PIN 682 030.**
- 3. CHOTTANIKKARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, CHOTTANIKKARA P.O.
PIN 682 312.**
- 4. THE SECRETARY,
CHOTTANIKKARA GRAMA PANCHAYATH, CHOTTANIKKARA P.O.
PIN 682 312.**

R1 & R2 BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

P.T.O.

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT-P1: TRUE COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE MEETING OF THE R3 HELD ON 08.02.2006 AND ENGLISH TRANSLATION.
- EXHIBIT-P2: TRUE COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE MEETING OF R3 HELD ON 8.03.2006 AND ENGLISH TRANSLATION.
- EXHIBIT-P3: TRUE COPY OF THE NEWS ITEM PUBLISHED IN THE MALAYALA MANORAMA DAILY DATED 25.08.2008 AND ENGLISH TRANSLATION.
- EXHIBIT-P4: TRUE COPY OF THE REPORT DATED 20.04.2010 FURNISHED BY THE DISTRICT SUPDT. OF POLICE RURAL (ALUVA) TO R2 AND ENGLISH TRANSLATION.
- EXHIBIT-P5: TRUE COPY OF THE PROCEEDINGS NO.D-DIS/69797/09/L DATED 22.05.2010 OF R2 AND ENGLISH TRANSLATION.
- EXHIBIT-P6: TRUE COPY OF THE PUBLIC NOTICE DATED 12.11.2011 ISSUED BY THE PETITIONER AND ENGLISH TRANSLATION.
- EXHIBIT-P7: TRUE COPY OF THE ORDER DATED 25.10.11 NO.D-DIS/69797/09/MO5 ISSUED BY R2 AND ENGLISH TRANSLATION.
- EXHIBIT-P8: TRUE COPY OF THE JUDGMENT DATED 11.04.2012 IN W.P.(C) NO.8869/2012 PASSED BY THIS HON'BLE COURT.
- EXHIBIT-P9: TRUE COPY OF G.O.(RT)(MS) NO.2484/2012 (LSGD) DATED 25.08.2012 ISSUED BY R1 AND ENGLISH TRANSLATION.
- EXHIBIT-P10: A TRUE COPY OF THE PETITION DATED 17.07.2012 SUBMITTED BY THE ACTION COUNCIL BEFORE THE SECRETARY OF THRIPIUNITHURA MUNICIPALITY UNDER THE R.T.I. ACT AND ENGLISH TRANSLATION.
- EXHIBIT-P11: A TRUE COPY OF THE REPLY DATED 14.08.2012 RECEIVED BY THE PETITIONER FROM THE INFORMATION OFFICER OF THE THRIPIUNITHURA MUNICIPALITY AND ENGLISH TRANSLATION.
- EXHIBIT-P12: TRUE COPY OF THE NEWS ITEM APPEARED IN VARIOUS DAILIES INCLUDING 'MALAYALA MANORAMA' DATED 28.12.2013 AND ENGLISH TRANSLATION.
- EXHIBIT-P12(A): THE PHOTOGRAPH OF DEMONSTRATION IN THE MEETING HALL DATED 27.12.2013.
- EXHIBIT-P13: A TRUE COPY OF THE NEWS ITEM GIVEN BY RESPONDENTS 3 AND 4 AND APPEARED IN THE 'MATHRUBHUMI' DAILY DATED 15.01.2014 CONTAINING THE PRESS RELEASE GIVEN BY RESPONDENTS 3 AND 4 AND ENGLISH TRANSLATION.

P.T.O.

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**EXHIBIT-P13(A): THE PHOTOGRAPH TAKEN AT THE TIME OF THE VISIT OF THE
TAHSILDAR ON 02.01.2014 TO THE DISPUTED SITE.**

**EXHIBIT-P13(B): THE PHOTOGRAPH OF THE PEOPLE WHO GATHERED AT THE
DISPUTED SITE ON 09.01.2014.**

**EXHIBIT-P14: TRUE COPY OF THE PROCEEDINGS NO.M5/64169/2011 DATED
08.01.2014 ISSUED BY THE 2ND RESPONDENT.**

**EXHIBIT-P15: A TRUE COPY OF THE JUDGMENT DATED 11.04.2014 IN W.P.(C)
NO.65/2014.**

**EXHIBIT-P16: TRUE COPY OF THE NOTICE DATED 07.08.2014 IN THE NEWSPAPER
AND ENGLISH TRANSLATION.**

**EXHIBIT-P17: TRUE COPY OF THE PROCEEDINGS DATED 03.12.2014 BY THE 2ND
RESPONDENT.**

**EXHIBIT-P18: TRUE COPY OF THE STATUTORY APPEAL DATED 11.12.2014 FILED BY
THE PETITIONER BEFORE THE 1ST RESPONDENT TOGETHER WITH A
PETITION FOR INTERIM STAY AND ENGLISH TRANSLATION.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

St/-

A.M.SHAFFIQUE, J.

W.P.(C) No.1510 of 2015

Dated this the 15th day of January, 2015

JUDGMENT

The petitioner has approached this court challenging Ext.P17 order issued by the District Collector, granting permission to construct a burial ground in Chottanikkara Grama Panchayat. Even according to the petitioner, an appeal has been filed against the aforesaid order as Ext.P18, which is pending consideration before the 1st Respondent. The petitioner has also filed a stay petition.

2. The complaint of the petitioner is that during the pendency of appeal and the stay petition, there is every possibility of the Respondent Panchayat proceeding with the construction of the burial ground.

3. Having regard to the nature of orders I intend to pass, there is no necessity to issue notice to Respondents 3 and 4.

4. Taking into consideration all aspects of the matter, this writ petition is disposed of directing the 1st Respondent to consider Ext.P18, within a period of three months from the date of receipt of a copy of this judgment, after hearing the affected parties.

Sd/-
A.M.SHAFFIQUE,
JUDGE

//true copy//

P.S. To Judge

St/-