

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 5646 of 2010 (S)

PETITIONER(S) :

WINNERS ARTS AND SPORTS CLUB
REG.NO.206/07, VEENDASSERY, KANNARA P.O
REP. BY ITS PRESIDENT FRANCIS, S/O.XAVIER,
45 YEARS, KUNDIL HOUSE, KANNARA.

BY ADVS.SRI.V.M.KRISHNAKUMAR
SMT.P.A.ANITHA

RESPONDENT(S) :

1. OLLUKKARA BLOCK PANCHAYATH
REP. BY SECRETARY OLLUKKARA P.O., THRISSUR.

2. STATE OF KERALA, REP. BY SECRETARY,
DEPARTMENT OF FOREST AND WILD LIFE
THIRUVANANTHAPURAM.

3. THE RANGE OFFICER, FOREST RANGE OFFICE,
MANNAMANGALAM, THRISSUR DISTRICT.

4. DEPUTY RANGER, FOREST STATION,
MANNAMANGALAM.

5. SAJEEV, S/O.KURIAKOSE, VALETH HOUSE,
KADIYIRUPPU P.O., AIKKARANADU NORTH, VILLAGE
KUNNATHUNADU TALUK, KOLANCHERY.

FOR R2-R4 BY GOVERNMENT PLEADER SMT.GIRIJA GOPAL
R5 BY ADVS. M/S. MURALI PURUSHOTHAMAN, DEEPU LAL
MOHAN LEENA MURALI

FOR R1 BY ADV. SRI.K.B.MOHANDAS &
ADV. SRI.LELLULAL T.G.THUNDATHIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 20-01-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE GOVERNMENT ORDER G.O. MS
NO. 169/2006/LSGD DATED 19-07-2006

EXT.P2: TRUE COPY OF THE PAYYANAM CHENNAYAPPARA
ROAD SKETCH

EXT.P3: TRUE COPY OF THE DECISION OF THE OLLUKKARA
BLOCK PANCHAYAT DATED 24-03-2007

EXT.P4: TRUE COPY OF THE JUDGMENT IN W.P.C. NO.
14841/07

EXT.P5: TRUE COPY OF THE LETTER DATED 14-11-2009
ISSUED BY THE 4TH RESPONDENT

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

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W.P. (C) No. 5646 of 2010– S
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Dated this the 20th day of January, 2015

JUDGMENT

Shaffique, J.

This Writ Petition is filed in the form of a public interest litigation seeking the following reliefs:

- “i) issue a writ in the nature of mandamus commanding the respondents 3 onwards not to obstruct the construction of payyanam - Chennayapara road pursuant to Ext. P1.
- ii) issue such other orders, writs or directions as are deemed fit by this Hon'ble Court;
- iii) award the costs of this proceeding to the petitioner”

2. It is submitted by the learned counsel for the 5th respondent by filing a memo, that the 5th respondent is no more.

3. The 5th respondent was the Contractor who had

undertaken the work. The work has been stopped on account of the obstruction caused by the Forest Department.

4. The learned counsel appearing for the first respondent submits that the work in question was the work funded by NABARD and the funds had already lapsed. Under such circumstances, the Panchayath is not in a position to proceed with the work.

5. Having regard to the fact that the work in question which is not being carried out as matters stand now, there is no necessity to consider the claim raised by the petitioner in this public interest litigation.

In the result, there being no reason to proceed with the Writ Petition, this Writ Petition is closed.

ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

A.M.SHAFFIQUE,
JUDGE