

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 3599 of 2015 (Y)

PETITIONER(S):

**E.JACOB VARGHESE
S/O.CHACKO KOCHU CHACKO, ELANJICKAL KARUKAYIL HOUSE
NIRANOM VILLAGE, THIRUVALLA TALUK
PATHANAMTHITTA DISTRICT
NOW RESIDING AT ELANJICKAL HOUSE, PALLOM PO
KOTTAYAM DISTRICT-686 007.**

BY ADV. SRI. E.JACOB VARGHESE (PARTY IN PERSON)

RESPONDENT(S):

- 1. STATE OF KERALA
REP. BY THE CHIEF SECRETARY TO GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE KERALA WATER AUTHORITY,
VELLAYAMBALAM, THIRUVANANTHAPURAM-695 033
REP. BY THE MANAGING DIRECTOR.**
- 3. THE SECRETARY/BLOCK DEVELOPMENT OFFICER,
PULIKEEZHU BLOCK PANCHAYAT
OFFICE OF THE BLOCK DEVELOPMENT OFFICER
VALANJAVATTOM PO, PULIKEEZHU, THIRUVALLA TALUK
PATHANAMTHITTA DISTRICT-689 104.**
- 4. THE SECRETARY.
LAW DEPARTMENT, GOVT. SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 5. THE FOOD SAFETY OFFICER,
CHENGANNOOR CIRCLE, NEAR TALUK OFFICE, CHENGANNOOR PO
ALAPPUZHA DISTRICT-689 121.**

**R2 BY ADV. SRI.MILLU DANDAPANI, SC, KERALA WATER AUTHORITY
R1, R3-R5 BY SRI JOSEPH GEORGE, GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

JV

P.R. RAMACHANDRA MENON, J.

W.P.(C).No.3599 of 2015

Dated this the 5th day of March, 2015

JUDGMENT

The petitioner has filed a memo dated 03.05.2015 seeking to withdraw the writ petition in the following terms:

“It is respectfully submitted that in view of the pendency of the Contempt of Court Case (Civil) No.9/2015 in the connected WP (C) No.17148/2014 which is posted for hearing on 06.03.2015, I do not propose to proceed with WP(C) No.3599/2015. Hence it is humbly prayed that this Hon'ble Court may be pleased to permit me to withdraw WP(C) No.3599/2015 and the connected interlocutory application I.A. No.2285/2015 with liberty to file fresh proceedings in case of necessity and dismiss the above writ petition WP(C) No.3599/2014 as not pressed by the petitioner.”

2. The learned Standing Counsel appearing for the Water Authority points out that the petitioner had approached this Court earlier by filing W.P.(C). No.978/2012 with substantially the same issue; wherein interference was declined and the writ petition was dismissed. Though a review petition was filed, the same also came to be dismissed. Without mentioning anything with regard to the said proceedings, the petitioner approached this Court again and obtained Ext.P1 judgment. It is also pointed

out that the petitioner has also approached the Lok Ayuktha, without mentioning the relevant facts and figures. As such, the petitioner is not at all entitled to approach this Court again, in respect of the same issue.

3. The petitioner who appears as the party in person points out that the relief sought for in the writ petition is not the same as considered by the Division Bench while passing the verdict in W.P.(C). No.978/2012. Petitioner however seeks for permission to withdraw the writ petition without prejudice to file a proper one, raising the pleadings and prayers in a letter manner.

This Court does not propose to go into the factual disputes. The writ petition is dismissed as withdrawn. If at all any further proceedings are filed by the petitioner, it is always open for the respondents to bring it to the notice of this Court as to the sequence of events and challenge the maintainability.

SD/-
P.R. RAMACHANDRA MENON,
JUDGE