

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 4042 of 2015 (E)

PETITIONERS:

1. SURESH K.,S/O.LATE KUNCHAN,
PRESIDENT, SNDP YOGAM, KONGAMPARA BRANCH,
KOZHIPPARA.P.O., PALAKKAD TALUK, PALAKKAD DISTRICT,
RESIDING AT MOOKAMBIKA NILAYAM, KONGAMPARA BRANCH,
KOZHIPPARA.P.O., PALAKKAD TALUK, PALAKKAD DISTRICT.
2. JAYAPRAKASH.M.,S/O.MANI.C. , SECRETARY,SNDP YOGAM,
KONGAMPARA BRANCH, KOZHIPPARA.P.O., PALAKKAD TALUK,
PALAKKAD DISTRICT,
RESIDING AT : VISALAM NIVAS, KONGAMPARA BRANCH,
KOZHIPPARA.P.O., PALAKKAD TALUK, PALAKKAD DISTRICT.

BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE,
SECRETARY TO GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE DIRECTOR OF PANCHAYAT,
THIRUVANANTHAPURAM-695 001.
3. THE DEPUTY DIRECTOR OF PANCHAYAT, CIVIL STATION,
PALAKKAD - 678 001.
4. PUDUSSERY GRAMA PANCHAYAT,
PUDUSSERY.P.O., PALAKKAD DISTRICT,
REPRESENTED BY THE SECRETARY.

R BY SRI. JOE KALLIATH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 4042 of 2015 (E)

: 2 :

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE REQUEST DATED 28-11-2014 SUBMITTED TO THE RESPONDENTS THROUGH THE RESPONDENTS NO.3.

EXHIBIT P2: TRUE COPY OF THE REQUEST DATED 17-01-2015 SUBMITTED BEFORE THE RESPONDENT NO.3 BY THE PETITIONERS.

EXHIBIT P3: TRUE COPY OF THE COMMUNICATION DATED 30-01-2015 SET BY THE RESPONDENT NO.3 TO THE PETITIONER NO.1

EXHIBIT P4: TRUE COPY OF THE OBJECTION DATED 31.01.2015 SUBMITTED BY THE PETITIONERS TO THE RESPONDENT NO.1.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 4042 of 2015 (E)

Dated this the 25th day of February, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Senior Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioners, the residents of Pudussery Grama Panchayath, in response to notification dated 11.11.2014, are said to have submitted Ext.P1 application along with certain annexures for the purpose of division of Pudussery Grama Panchayath and Walayar Grama Panchayath. Subsequently, when the process of delimitation concluded, it did not include the Grama Panchayaths, which the petitioners wanted to be divided. Under those circumstances, they are said to have submitted Ext.P2 objections.

3. In course of time, the 3rd respondent issued Ext.P3 notice, which is in reply to Ext.P2 objections submitted by the petitioners, requiring them to file objections before the Principal Secretary, Local Self Government (EM) Department, as against the gazette notification dated 25.01.2015. It appears, the petitioners did submit their objections through Ext.P4 to the said authority. Ventilating their grievance that so far Ext.P4 has not been considered in accordance with law, the petitioners have approached this Court.

4. The learned Senior Government Pleader has contended that Ext.P4 is required to be considered by the Principal Secretary, Local Self Government (EM) Department, but the very authority has not been made a party. Countering the said submission, the learned counsel for the petitioners has contended that the first respondent is the State of Kerala represented by the Secretary to Government, Department of Local Self Government. As such, there is no specific requirement to include a particular officer with his designation,

inasmuch as the said Principal Secretary is also part of the Department of Local Self Government, which stands arrayed as a party.

At any rate, this Court does not want to quibble over the finer distinction whether the first respondent in a compendious manner includes the Principal Secretary, Local Self Government (EM) Department. Suffice it to say that since Ext.P4 objections have been addressed to the said authority, in terms of Ext.P3 communication issued by the 3rd respondent, it serves the interest of justice if the Principal Secretary, Local Self Government (EM) Department, considers Ext.P4 after affording an opportunity of hearing to the petitioners, and pass appropriate orders thereon in accordance with law, as expeditiously as possible, if the said objections have not been disposed of by now.

sd/- DAMA SESHADRI NAIDU, JUDGE.

