

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 4308 of 2015 (K)

PETITIONER :

**RAHUL B.,
AGED 30 YEARS, S/O.BALAN
KUNNINPURATHU VEEDU, MEANMOOTTY P.O.,
NANNIYODE, THIRUVANANTHAPURAM.**

BY ADV. SRI.M.DINESH

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR
COLLECTORATE, THIRUVANANTHAPURAM - 695001.**
- 2. REVENUE DIVISIONAL OFFICER,
COLLECTORATE, THIRUVANANTHAPURAM - 695001.**

R1 & R2 BY SR. GOVT. PLEADER SRI. MUHAMMED SHAFI M.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 4308 of 2015 (K)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1- TRUE COPY OF THE NOTICE UNDER SECTION 8 OF THE ROYAL PROCLAMATION DATED 28.1.37.
- EXT. P2- TRUE COPY OF THE PETITION FILED BY FORMER PRIEST FR.JOHN BOSCO BEFORE THE 1ST RESPONDENT.
- EXT. P3- TRUE COPY OF THE COMPROMISE BETWEEN THE PARISH PRIEST AND SAFIA UMMAL DATED 19.3.2000.
- EXT. P4- TRUE COPY OF THE LETTER NO. S-9-58581/09 OF THE 1ST RESPONDENT TO THE PRIEST OF THE FATHIMA MATA CHURCH.
- EXT. P5- TRUE COPY OF THE FRESH SKETCH AND LETTER FROM THE FORMER PRIEST FR.JOHN BOSCO ON 26.12.2013.
- EXT. P6- TRUE COPY OF THE HEARING NOTICE ISSUED BY THE 1ST RESPONDENT DATED 30.3.2013.
- EXT. P7- TRUE COPY OF THE HEARING NOTICE ISSUED BY THE 1ST RESPONDENT DATED 19.4.2013.
- EXT. P8- TRUE COPY OF THE HEARING NOTICE ISSUED BY THE 1ST RESPONDENT DATED 17.5.2013.
- EXT. P9- TRUE COPY OF THE HEARING NOTICE ISSUED BY 1ST RESPONDENT DATED 4.1.14.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4308 of 2015

Dated this the 11th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 1st respondent to consider and pass orders on Exhibit-P2 in the light of Exhibit-P5 expeditiously within a period of one month or the time fixed by this Hon'ble Court after giving an opportunity to be heard to the petitioner;*
- ii) Grant such other and further reliefs as this Hon'ble Court deems fit and proper in the circumstances of this case."*

2. The petitioner has filed Ext.P2 petition before the 1st respondent for sanction for construction of a 'cemetery'. But the same is still to be considered by the 1st respondent. It is stated that the petitioner will be satisfied, if a direction is given to the 1st respondent to have it considered and finalised within a reasonable time.

3. Heard the learned Government Pleader as well.

4. After hearing both sides, the writ petition is disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P2, in accordance with law, after affording an opportunity of hearing to the petitioner and other interested parties, if any, referred to in Exts.P6 to P9 and also the concerned local authority. It shall be done, as expeditiously as possible, and at any rate, within a period of 'three months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the 1st respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.