

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 4653 of 2015 (F)

PETITIONER(S):

**VALIYAKOONAMBAYIKULAM SREE BHADRAKALI
KSHETHRA TRUST,
VADAKKEVILA, KOLLAM DISTRICT-691 010
REPRESENTED BY ITS SECRETARY.**

**BY ADVS.SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY**

RESPONDENT(S):

- 1. THE STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 2. THE SECRETARY TO GOVERNMENT
HOME & VIGILANCE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 3. THE DISTRICT COLLECTOR
KOLLAM-691 001.**

BY SENIOR GOVERNMENT PLEADER SRI.T.P.SAJID

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE CIRCULAR BEARING NO.2113/6 DTD.30.2.1079(M.E.).**
- P2 : COPY OF THE LETTER BEARING NO.R.DIS.NO.306/47/REV. DTD.30.9.1947.**
- P3 : COPY OF THE REPRESENTATION/APPLICATION DTD.3.8.2012.**
- P4 : COPY OF THE JUDGMENT DTD.20.11.2014 IN WPC NO.20873/2014 PASSED BY THIS HON'BLE COURT.**
- P5 : COPY OF THE ORDER BEARING NO.G.O.(RT)NO.2657/2010/HOME DTD.26.8.2010.**
- P6 : COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DTD.5.12.2014.**
- P6(A): COPY OF THE TEMPLE SITE PLAN.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4653 of 2015

Dated this the 18th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(i) to issue a Writ in the nature of Mandamus or such other writ, order or direction commanding the 3rd respondent to consider and pass orders on Ext-P6 representation after affording an opportunity of being heard to their authorized representative without any further delay;*
- (ii) to issue a Writ in the nature of Mandamus or such other writ, order or direction declaring that the structures mentioned in Ext-P6 representation are liable to be regularized in terms of Ext-P5 G.O.*
- (iii) award to the petitioner the costs of these proceedings”*

2. The learned counsel for the petitioner submits that, the petitioner 'Temple Trust' has already moved the Government for assignment of the property having an extent of more than 5 Acres comprised in various Sy. No. 3548 (Re.Sy.Nos.642/1, 642/5 of Block No.24) in Vadakkevila Village, which is already shown as 'Temple property' in the Revenue Records. The application for assignment, has already been directed by this Court to be considered, as per Ext.P4 judgment dated 20.11.2014, in WP(C)

No.20873/2014. Various reports have been called for from different corners and the matter is still to be finalized. In the meanwhile, with regard to the construction effected by the 'Temple Trust', regularization of the Temple buildings, which were constructed decades back, was sought to be effected in terms of the guidelines/norms issued by the Government. After considering the claim put up by the petitioner, only two structures were regularized and about 37 small structures constructed in different parts of the Temple property are still to be regularized in terms of Ext.P5 G.O. Dated 26.08.2010. This made the petitioner to file Ext.P6 representation on 05.12.2014 before the 3rd respondent and the prayer is to cause the same to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the 3rd respondent to consider and pass appropriate orders on Ext.P6, in accordance with law, after affording an opportunity of hearing to the petitioner. It shall be done, at the earliest, at any rate, within 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 the writ petition before the 3rd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn