

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).No. 4910 of 2015 (K)

PETITIONER(S):

1. RAMLA, D/O. LATE ABDU,
KULANGARA HOUSE, OTTUPARA.P.O.,
KUMARANELLUR, TALAPPILLY TALUK, THRISSUR DISTRICT.
2. K.M.JABBAR,S/O. LATE MUHAMMED,
KAZHUNKIL HOUSE, P.O.WADAKANCHERY,
TALAPPILLY TALUK, THRISSUR DISTRICT.
3. K.M.NISHAD,
S/O. LATE MUHAMMED, KAZHUNKIL HOUSE,
P.O.WADAKANCHERY, TALAPILLY TALUK,
THRISSUR DISTRICT.

BY ADV. SRI.P.JAYARAM

RESPONDENT(S):

1. WADAKANCHERY GRAMA PANCHAYAT,
REPRESENTED BY IT'S SECRETARY,
P.O.WADAKANCHERY - 680 590.
2. THE SECRTRY,
WADAKANCHERY GRAMA PANCHAYAT,
P.O.WADAKANCHERY - 680 590.
3. STATE OF KERALA,
REPRESENTED BY SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

R1 & R2 BY ADV. SRI.RAJIT

R3 BY GOVERNMENT PLEADER SMT. ANITHA RAVEENDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-07-2015, ALONG WITH WPC.NO. 5235 OF 2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

P1 - TRUE COPY OF THE AGREEMENT DT. 23.3.05 ENTERED INTO BETWEEN THE 2ND PETITIONER AND 2ND RESPONDENT.

P1(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P1.

P2- TRUE COPY FO THE AGREEMENT DT. 23.3.05 ENTERED INTO BETWEEN THE 3RD PETITIONER AND 2ND RESPONDENT.

P2(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P2.

P3 - TRUE COPY OF THE LICENCE DT. 18.5.05 ISSUED FROM 1ST RESPONDENT PANCHAYAT TO 2ND PETITIONER.

P3(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P3

P4- TRUE COPY OF THE LETTER DT. 10.3.06 ISSUED BY 2ND RESPONDENT PANCHAYAT TO 1ST PETITIONER.

P4(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P4.

P5 - TRUE COPY OF THE RECEIPT DT. 17.4.07 ISSUED FROM KERALA WATER AUTHORITY, WADAKANCHERY TO THE 2ND PETITIONER.

P6 - TRUE COPY OF THE RECEIPT DT. 19/8/02 ISSUED BY 1ST RESPONDENT PANCHAYAT FOR D&O LICENCE FEE RECEIVED FROM 3RD PETITIONER.

P6(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P6.

P7 - TRUE COPY OF THE LETTER DT. 16.1.08 ISSUED BY PRESIDENT OF 1ST RESPONDENT PANCHAYAT TO 1ST PETITIONER.

P7(A) - TRUE ENGLISH TRNASLATION OF EXHIBIT P7.

P8 - TRUE COPY OF THE LETTER DT. 16.1.08 ISSUED BY PRESIDENT OF 1ST RESPONDENT PANCHAYAT TO 2ND PETITIONER.

P8(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P8

P9 - TRUE COPY OF THE LETTER DT. 16.1.08 ISSUED BY PRESIDENT OF 1ST RESPONDENT PANCHAYAT TO 3RD PETITIONER.

P9(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P9.

P10 - TRUE COPY OF THE BYE-LAW PREPARED BY 1ST RESPONDNET PANCHAYAT WITH RESPECT TO THE GRAMA PANCHAYAT SHOPPING COMPLEX.

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- P10(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P10.
- P11 - TRUE COPY OF THE REPRESENTATION DT. 10.11.11 SUBMITTED BY 2ND PETITIONER BEFORE THE 1ST RESPONDENT PANCHAYAT.
- P11(A) - TRUE ENGLISH TRNASLATION OF EXHIBIT P11.
- P11(B) - TRUE COPY OF ACKNOWLEDGEMENT ISSUED FROM 1ST RESPONDENT PANCHAYAT WITH RESPECT OF EXHIBIT P11.
- P11(C) - TRUE ENGLISH TRANSLATION OF EXHIBIT P11(B)
- P12 - TRUE COPY OF THE REPRESENTATION DT. 10.11.11 SUBMITTD BY 3RD PETITIONER BEFORE THE 1ST RESPONDENT PANCHAYAT.
- P12(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P12.
- P12(B) - TRUE COPY OF THE ACKNOWLEDGEMENT ISSUED FROM 1ST RESPONDENT PANCHAYAT WITH RESPECT OF EXT. P12.
- P12(C) - TRUE ENGLISH TRANSLATION OF EXHIBIT P12(B).
- P13 - TRUE COPY OF THE REPRESENTATION DT. 26.9.13 SUBMITTED BY 2ND PETITIONER BEFORE THE 2ND RESPONDENT.
- P13(A) - TRUE ENGLISH TRANSLATIO OF EXHIBIT P13.
- P13(B) - TRUE COPY OF ACKNOWLEDGEMENT ISSUED FROM 1ST RESPONDENT PANCHAYAT WITH RESPECT TO EXHIBIT P13.
- P14 - TRUE COPY OF THE NOTICE DT. 03.2.15 ISSUED BY THE PRESENT PRESIDENT OF THE 1ST RESPONDENT PANCHAYAT TO THE 1ST PETITIONER.
- P14(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P14.
- P15 - TRUE COPY OF THE NOTICE DT. 03.2.15 ISSUED BY THE PRESENT PRESIDENT OF THE 1ST RESPONDENT PANCHAYAT TO THE 2ND PETITIONER.
- P15(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P15.
- P16 - TRUE COPY OF THE NOTICE DT. 03.2.15 ISSUED BY THE PRESENT PRESIDENT OF THE 1ST RESPONDENT PANCHAYAT TO THE 3RD PETITIONER.
- P16(A) - TRUE ENGLISH TRNASLATION OF EXHIBIT P16.
- P17 - TRUE COPY OF THE AUCTION NOTICE PUBLISHED BY THE 1ST RESPONDENT PANCHAYAT IN MATHRUBHUMI DAILY DT. 03.2.15.
- P17 (A) - TRUE ENGLISH TRANSLATION OF EXHIBIT 17.

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P18 COPY OF THE RESOLUTION NO.7 DATED 11/2/2015 OF THE RESPONDENT PANCHAYAT.

P19 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 16/3/2015 TO THE RESPONDENT PANCHAYAT.

P19(A) COPY OF THE ACKNOWLEDGEMENT DATED 16/3/2015 IN RECEIPT OF EXHIBIT P19 APPLICATION ISSUED FROM THE RESPONDENT PANCHAYAT.

P20 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 23/3/2015 TO THE RESPONDENT PANCHAYAT

P20(A) COPY OF THE ACKNOWLEDGEMENT DATED 23/3/2015 IN RECEIPT OF EXHIBIT P19 APPLICATION ISSUED FROM THE RESPONDENT PANCHAYAT.

RESPONDENT(S) EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) Nos. 4910 & 5235 of 2015

Dated this the 30th day of July, 2015.

JUDGMENT

The report from the mediator is received. As the parties have arrived at a settlement, the writ petitions are closed in the light of the report forwarded by the mediation centre. Memorandum of agreement shall form part of this judgment. It shall be open to the respondent panchayath to implement the decision in the memorandum agreement in letter and spirit with the aid of police, if there is any third party interference.

**Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE**

Scl.