

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 8875 of 2015 (H)

PETITIONER(S):

1. P.V ASOKAN,
S/O.PADMANABHAN KANI, AGED 48 YEARS,
P.V.HOUSE, CHAMBOTTUMPARA,
VINOBA NIKETHAN P.O., THIRUVANANTHAPURAM.
2. K.REGHU,
S/O.S.KUNJAN KANI, AGED 61 YEARS,
SREEJA BHAVAN, PONPARA,THOTTUMUKKU,
VIDHURA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE DIRECTOR OF PANCHAYATS,
PANCHAYAT DIRECTORATE, THIRUVANANTHAPURAM-695 001
3. DEPUTY DIRECTOR OF PANCHAYAT,
PANCHAYAT DEPUTY DIRECTORATE OFFICE,
THIRUVANANTHAPURAM-695 001

R1 TO R3 BY SR GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 8875 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE ACKNOWLEDGEMENT DATED 26.5.2014**
- EXT.P-2: TRUE COPY OF THE LETTER OF THE 3RD RESPONDENT DATED
12.11.2014**
- EXT.P-3: TRUE COPY OF THE COVERING LETTER OF THE PERFORMA SUBMITTED
BY THE 1ST PETITIONER DATED 28.11.2014 BEFORE THE 3RD
RESPONDENT**
- EXT.P-4: TRUE COPY OF THE COVERING LETTER OF THE PERFORMA SUBMITTED
BY THE 1ST PETITIONER DATED 28.11.2014 BEFORE THE 1ST
RESPONDENT**
- EXT.P-5: TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER DATED
28.1.2015**
- EXT.P-6: TRUE COPY OF THE ACKNOWLEDGEMENT DATED 21.2.2015**
- EXT.P-7: TRUE COPY OF THE HEARING NOTICE OF THE 3RD RESPONDENT DATED
26.2.2015**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 8875 of 2015

Dated this the 27th day of March, 2015

JUDGMENT

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents, 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. The petitioners, the residents of Nedumangad Taluk of Thiruvananthapuram District, are said to be the officer bearers of the State Committee of Adivasi Kanikkar Samyuktha Sankhom. Along with people of Kanikkar community, a Scheduled Tribe, predominantly settled in Thiruvananthapuram District, the petitioners are said to be making demands for establishment of a Panchayat with headquarters at Parandode in Nedumangad Taluk.

3. As can be seen from the record, the first respondent heard the petitioners on 10.03.2015 concerning non inclusion of the proposed Parandode Grama Panchayat in the draft

lists of Panchayats to be formed on the basis of directions issued by the first respondent. Now, the petitioners apprehend that the respondents may not consider the petitioners' claim for forming the Panchayat before their finalizing the proceedings and publishing the list of Panchayats to be formed. Thus, they have approached this Court by filing the present writ petition.

4. The learned counsel for the petitioners has submitted that forming of new Panchayat in the manner indicated above has been a long pending demand on the part of the petitioners and also the people of tribal community. They have a genuine grievance, contends the learned counsel, that the first respondent may not take an expeditious decision notwithstanding the hearing that took place on 10.03.2015, and that in the meanwhile they would publish the final lists of the Panchayat to be formed before the general election of Local Self Government Institutions, which are to take place in 2015.

5. The learned Government Pleader has, however, submitted that the first respondent has already got numerous representations from every corner of the State pending with the same demand for formation of Grama

Panchayats. According to her, the first respondent is not averse to considering the petitioners' representation or objections as the case may be, but it inevitably takes considerable time.

6. In reply thereto, the learned counsel for the petitioners has submitted that the petitioners may not have any grievance if their representation is to be considered any time before the final proceedings are issued notifying the Panchayats to be formed.

7. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioners and the learned Government Pleader for the respondents, this Court disposes of the writ petition with a direction to the first respondent to consider the petitioners' claim for forming of a new Panchayat in accordance with law, as expeditiously as possible, at any rate, before the final list of Panchayats to be formed is drawn.

With the above observations, this writ petition is disposed of. No order as to costs.

DAMA SESHADRI NAIDU
JUDGE