

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C) .No. 9424 of 2015 (C)

PETITIONER(S) :

Y. MATHEW JOE,
AGED 49 YEARS, S/O. THOMAS MATHAI,
RESIDING AT THURUTHEL HOUSE,
MANGANAM P.O., VIJAYAPURAM VILLAGE,
KOTTAYAM TALUK.

BY ADVS.SRI.GEORGE THOMAS (MEVADA) (SR.)
SRI.MANU GEORGE KURUVILLA
SRI.AMAL GEORGE.

RESPONDENT(S) :

1. JAWAHAR NAVODAYA VIDYALAYA,
VADAVATHOOR P.O., KOTTAYAM - 686 010,
REPRESENTED BY ITS PRINCIPAL, G. BEENA.
2. SMT. G.BEENA,
PRINCIPAL, JAWAHAR NAVODAYA VIDYALAYA,
VADAVATHOOR P.O., KOTTAYAM - 686 010.
3. COMMISSIONER,
NAVODAYA VIDYALAYA SAMITHI,B-15,
SECTOR-62, NOIDA - 201 309.
4. DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM - 686 001.
5. THE REVENUE DIVISIONAL OFFICER,
OFFICER OF THE RDO, KOTTAYAM - 686 001.
6. THE ADDITIONAL TAHSILDAR,
TALUK OFFICE, KOTTAYAM - 686 001.

R1 & 2 BY ADV. SRI.MILLU DANDAPANI &
BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1 - TRUE COPY OF PROCEEDINGS OF THE ADDITIONAL TAHSILDAR, KOTTAYAM DATED 17/12/2012.

EXT. P2- TRUE COPY OF THE MINUTES OF THE MEETING DATED 28/12/2012.

EXT. P3 - TRUE COPY OF THE LETTER DATED 07/05/2014 ADDRESSED BY THE 1ST RESPONDENT TO THE 4TH RESPONDENT.

EXT. P4 - TRUE COPY OF THE COMMUNICATION FROM THE RDO, KOTTAYAM TO THE ADDITIONAL THAHSILDAR, KOTTAYAM BY DATED 08/05/2014.

EXT. P5 - TRUE COPY OF THE LETTER DATED 13/05/2014.

EXT. P6 - TRUE COPY OF LETTER SENT BY THE 1ST RESPONDENT DATED 17/05/2014.

EXT. P7 - TRUE COPY OF THE LETTER DATED 30/05/2014, RECEIVED FROM THE PUBLIC INFORMATION OFFICER, TALUK OFFICE, KOTTAYAM.

EXT. P8- TRUE COPY OF THE COMMUNICATION DATED 02/06/2014, TO THE OFFICE OF THE SUB INSPECTOR OF POLICE, MANARCAUD.

EXT. P9- TRUE COPY OF THE COMMUNICATION BY ADDITIONAL TAHSILDAR, KOTTAYAM, DATED 23/06/2014.

EXT. P10- TRUE COPY OF THE REPRESENTATION OF THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 27/06/2014.

EXT. P11- TRUE COPY OF THE REPRESENTATION BEFORE THE 4TH RESPONDENT DATED 29/01/2015.

EXT. P12- TRUE COPY OF THE REPRESENTATION BEFORE THE 5TH RESPONDENT DATED 29/01/2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 9424 of 2015

Dated this the 25th day of March, 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 such writ order or direction compelling respondents 4 and 5 to dispose of exhibits P10 to P12 representations of the petitioner in accordance with law expeditiously.*
- (ii) Direct respondents 4 and 5 to take necessary actions against respondents 1 and 2 for acting in violation of the notings on exhibit P3 representation as well as exhibit P4 order passed by the 5th respondent.*
- (iii) Pass such other orders that are deemed fit and proper to grant in the interests of Justice.*
- (iv) Award the entire costs of the petitioner.”*

2. Heard the Senior counsel appearing for the petitioner as well as the learned counsel appearing for the respondents 1 to 3 as well as the learned Government Pleader appearing for the respondents 4 to 6.

3. The learned counsel appearing for the respondents 1 to 3 submits that, the version of the petitioner that O.S. No.364/2014 of the Additional Munsiff's Court, Kottayam was sought to be withdrawn as stated in paragraph 6 of the writ petition, is not correct. To the knowledge of the said

respondents, the said suit was dismissed and that the matter has been taken up before this Court by way of O.P.(Civil) No.255/2015.

4. The learned Senior counsel appearing for the petitioner submits that, what was intended was, not withdrawal of the suit but the nature of the defect pointed out and that the petitioner has filed O.P.(C) No.255/2015 against the order in the I.A. in the aforesaid suit, which is pending consideration.

5. This Court does not find it necessary to go into the merit of the case, in view of the limited extent of relief sought for. After hearing both the sides, there will be a direction to the respondents 4 and 5 to consider and pass appropriate orders on Exts.P10 to P12 representations, in accordance with law. It shall be done, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of the judgment

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

Sd/-

P.R. RAMACHANDRA MENON, JUDGE