

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C) .No. 12099 of 2013 (J)  
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PETITIONER(S) :  
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J.J.ARTS AND ENTERTAINMENTS PRIVATE LIMITED  
"THE COUNTRY CLUB ROCK SPRINGS, MANJANAKADU  
NJARAKKAL POST, VYPEEN, KOCHI-682 505  
REPRESENTED BY ITS MANAGER RESORT, SRI.VINAY SURESH.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENT(S) :  
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NJARAKKAL GRAMA PANCHAYAT  
NJARAKKAL POST, VYPEEN, KOCHI-682505  
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.V.M.KURIAN  
BY ADV. SRI.MATHEW B. KURIAN  
BY ADV. SRI.K.T.THOMAS  
BY ADV. SRI.SABU P.JOSEPH  
BY ADV. SRI.SHYAMDEEP S.SHENOY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 12099 of 2013 (J)

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APPENDIX

PETITIONER(S) ' EXHIBITS

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EXHIBIT P1: COPY OF THE EXTRACT OF RESOLUTION PASSED BY THE BOARD OF  
DIRECTORS IN THE MATTER OF SAID RESORT DATED 6.3.2009.

EXHIBIT P2: COPY OF THE REQUEST PREFERRED BY THE PETITIONER BEFORE  
THE RESPONDENT FOR OWNERSHIP CERTIFICATE DATED  
14.2.2012.

EXHIBIT P2(A) : COPY OF THE RECEIPT REGARDING ACCEPTANCE OF EXHIBITP2.

RESPONDENT(S) ' EXHIBITS:       NIL.

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TRUE COPY

P.A. TO JUDGE.

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Dama Seshadri Naidu, J.

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W.P.(C)No.12099 of 2013 J  
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Dated this the 30<sup>th</sup> day of March, 2015

### **JUDGMENT**

The petitioner, desirous of getting an ownership certificate to the property, which it is said to have owned, submitted Exhibit P2 application to the respondent Grama Panchayat. Complaining of inordinate delay in its disposal, the petitioner has filed the present writ petition.

2. Initially, this Court on 06.02.2015 disposed of the writ petition relying on the submission made by the learned counsel for the respondent Grama Panchayat that Exhibit P2 application had already been disposed of. Later, in R.P. No.308/2015, when the petitioner brought to the notice of this Court that Exhibit P2 application had, in fact, not been disposed of, this Court, though its order dated 25.03.2015, recalled the judgment dated 06.02.2015 and restored the writ petition.

3. Now, the learned counsel for the respondent Grama Panchayat submits that the Grama Panchayat will dispose of the petitioner's Exhibit P2 application expeditiously.

4. The petitioner has sought an innocuous remedy of disposal of an application submitted by it; the writ petition was filed in 2013. On one occasion, perhaps owing to what can be called the communication gap, the learned counsel for the Grama Panchayat might have represented before this Court that Exhibit P2 application had already been disposed of. Later, the very writ petition was restored after recalling the judgment passed based on the said representation.

5. It is inexplicable why the respondent Grama Panchayat has to wait for more than two years for the sake of a simple direction from this Court to dispose of the petitioner's representation. After all, it is the statutory obligation on the part of the respondent Grama Panchayat to consider the claim of any citizen and pass appropriate

orders thereon; it need not be reminded of its duties. Without awaiting the formality of having an anodyne direction from this Court, it could have considered Exhibit P2 and passed appropriate orders long back. I hope, the respondent Grama Panchayat will be more vigilant in future.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the respondent to consider Exhibit P2 application of the petitioner in accordance with law and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

tkv