

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 9483 of 2015 (I)

PETITIONER(S):

**ASSOCIATION OF IT EMPLOYEES (AITE),
AKSHAYA DISTRICT COMMITTEE, KOZHIKODE,
REPRESENTED BY ITS SECRETARY, SAJITH N.P., AGED 35,
S/O.RAMACHANDRAN, NELLIKOTTUPOYIL HOUSE,
CHOOLLOR P.O., KOZHIKODE.**

**BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P**

RESPONDENT(S):

- 1. DIRECTOR, AKSHAYA STATE PROJECT OFFICE,
KOCHUMADATHIL BUILDING, T.C.25/2241, MANJALIKULAM ROAD,
THAMPANOOR, THIRUVANANTHAPURAM, PIN-695 001.**
- 2. THE ASSISTANT DISTRICT CO-ORDINATOR,
AKSHAYA PROJECT OFFICE, 2ND FLOOR,
ZAMORIN SQUARE BUILDING, RAILWAY STATION LINK ROAD,
CDA COMPLEX, KOZHIKODE, PIN-673 001.**
- 3. THE CHIEF CO-ORDINATOR,
AKSHAYA PROJECT, THE DISTRICT COLLECTOR, CIVIL STATION,
KOZHIKODE, PIN-673 001.**
- 4. THE DIRECTOR,
KERALA STATE IT MISSION, ICT CAMPUS, VELLAYAMBALAM,
THIRUVANANTHAPURAM, PIN-695 033.**
- 5. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF INFORMATION TECHNOLOGY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 9483 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE LETTER OF UNDERTAKING, DATED 13.09.2006.

EXHIBIT P2: TRUE COPY OF THE GOVERNMENT ORDER DATED 30.4.2005.

EXHIBIT P3: TRUE COPY OF THE GOVERNMENT ORDER DATED 19.11.2013.

**EXHIBIT P4: TRUE COPY OF THE ORDER ISSUED BY THE 4TH RESPONDENT
DATED 23.12.2013.**

EXHIBIT P5: TRUE COPY OF THE GOVERNMENT ORDER DATED 26.09.2014.

**EXHIBIT P6: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
DATED 10-07-2013.**

**EXHIBIT P7: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
DATED 10.09.2013.**

**EXHIBIT P8: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
DATED 21.7.2014.**

**EXHIBIT P9: TRUE COPY OF THE NOTIFICATION DATED 10.3.2015 PUBLISHED BY THE
3RD RESPONDENT.**

**EXHIBIT P.10: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER DATED 13.3.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.9483 OF 2015
.....

Dated this the 7th day of April, 2015

J U D G M E N T

The petitioner has approached this Court, seeking for the following prayers:

"(i) To issue a writ of certiorari or any other appropriate writ, direction or order, calling for the records leading to Exhibit P9 and may quash the same as highly unjust, illegal and arbitrary;

(ii) To issue a writ of mandamus or any other appropriate writ, direction or order, directing the respondents 1 and 2 not to sanction and allot fresh Akshaya Centres in violation of the conditions stipulated in Exhibits P2 to P5 Government Orders;

(iii) To issue a declaration that the conditions stipulated in Exhibits P2 to P5 to the effect that there should be a minimum of two kilometers distance between two Akshaya Centres, would be applicable in the case of allotting fresh Akshaya Centres, from the nearby Sub Centres also; and

(iv) To issue any other writ, direction or order as this Honourable Court may deem fit and proper in the facts and circumstances of this case."

2. Heard the learned counsel appearing for the petitioner as well as the learned Senior Government Pleader.

3. It is stated by the learned counsel for the petitioner that fresh Akshaya centres are being permitted to be started in violation of the Government Order Ext.P5. In the said circumstances, the matter stands brought to the notice of the 1st respondent by filing Ext.P10, which is sought to be disposed of within a reasonable time.

4. The learned Government Pleader submits that, pursuant to Ext.P10, the matter was considered and a report was called for. It was revealed that there was violation only in respect of Sl.No.6 mentioned in Ext.P10 and that appropriate instructions have already been issued to have taken necessary remedial measures.

5. In the above circumstances, there will be a direction to the 4th respondent to take further steps so as to give effect to the instructions already issued pursuant to Ext.P10 and to see that

the Akshaya centres are being started strictly in conformity with the relevant Government Orders and no instance of infringement is resulted under any circumstances.

The writ petition is disposed of.

Sd/-

P.R.RAMACHANDRA MENON
JUDGE

//true copy//

P.S. to Judge

St/-