

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 12144 of 2013 (P)

PETITIONER:

MOHANAN, AGED 55 YEARS,
S/O. BHARGAVAN, MAHESH BHAVANAM,
MUTHUKATTUKARA, NOORANAD P.O - 690 504

BY ADV. SMT.ASHA ELIZABETH MATHEW

RESPONDENTS:

1. THE DIRECTOR, DIARY DEVELOPMENT DEPARTMENT,
DIRECTORATE OF DIARY DEVELOPMENT,
THIRUVANANTHAPURAM - 1.
2. THE DEPUTY DIRECTOR,
DIARY DEVELOPMENT DEPARTMENT, ALAPPUZHA.
3. THATTAMUNNA DIARY DEVELOPMENT SOCIETY
NO. A 199 (D) A P C O S, NOORANAD - 690 504,
REPRESENTED BY ITS SECRETARY,
THATTAMUNNA DIARY DEVELOPMENT SOCIETY
NO. A 199 (D) A P C O S, NOORANAD P.O. - 690 504.
4. THE SECRETARY,
THATTAMUNNA DIARY DEVELOPMENT SOCIETY NO. A 19 (D)
NOORANAD P.O - 690 504.
5. THE SUB INSPECTOR OF POLICE
POLICE STATION, NOORANAD - 690 504.

R3,R4 BY ADV. SRI.PEEYUS A.KOTTAM
R2 BY ADV. SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1-TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER'S WIFE BEFORE THE DEPUTY DIRECTOR OF AUDIT.

EXHIBIT-P2-TRUE COPY OF THE INSPECTION REPORT SUBMITTED BY THE QUALITY CONTROL OFFICER.

EXHIBIT-P3-TRUE COPY OF THE MINUTES OF THE MEETING CONVENED ON 07/11/2012.

EXHIBIT-P4-TRUE COPY OF THE LETTER DATED 19/11/2012 ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT.

EXHIBIT-P5-TRUE COPY OF THE REPLY DATED 25/04/2013 ISSUED BY THE SUB INSPECTOR OF POLICE, NOORANADU TO THE PETITIONER'S WIFE UNDER RIGHT TO INFORMATION ACT.

EXHIBIT-P6-TRUE COPY OF THE REPLY DATE 30/04/2013 ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT.

EXHIBIT-P7-TRUE COPY OF THE NOTIFICATION PUBLISHED BY THE 3RD RESPONDENT SOCIETY IN MATHRUBHOOMI DAILY DATED 25/04/2013.

EXHIBIT-P8-TRUE COPY OF THE REPRESENTATION DATED 29/04/2013 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 12144 of 2013 (P)

Dated this the 29th day of October, 2015.

JUDGMENT

Heard the learned Counsel for the petitioner, the learned Government Pleader, and the learned counsel for respondents 3 and 4, apart from perusing the record.

2. The petitioner filed the present writ petition, inter alia, seeking a direction to respondents 1 and 2 to take follow up action against the Secretary and the managing committee of the third respondent society based on Ext.P2 inspection report and finalise the proceedings within a time frame.

3. On 03.08.2015, this Court passed a detailed interim order, in the end, directing the third respondent, instead of respondents 1 and 2, to complete the enquiry. Under these circumstances, the third respondent filed I.A. No. 15302 of 2015 seeking modification of the interim order to the effect that respondents 1 and 2 shall complete the enquiry within a time frame.

4. At this juncture, the learned counsel for the petitioner has submitted that all along, respondents 1 and 2 have been taking

shelter under the excuse that a criminal case is pending against the 4th respondent, and that until that case comes to an end, it may not be possible for them to proceed further.

5. The learned counsel for respondents 3 and 4 has, however, submitted that subject to all other legal formalities, respondents 1 and 2 may proceed further with the issue and conclude the enquiry within a time frame.

6. The learned counsel has further submitted that in the light of the direction being given, instead of modifying the interim order, this Court may as well dispose of the writ petition with a direction to respondents 1 and 2 in the manner indicated above.

7. In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner, the learned Government Pleader, and the learned counsel for respondents 3 and 4, this Court disposes of the writ petition with a direction to respondents 1 and 2 to initiate, if already not initiated, and to continue, if already initiated, the enquiry proceedings pursuant to Ext.P2 inspection report and conclude the same, as expeditiously as possible, at any rate, within three months from the date of receipt

of a copy of this judgment.

Based on the representation of the learned Government Pleader, it is further made clear that the third respondent shall extend fullest co-operation to respondents 1 and 2 to enable them to complete the enquiry expeditiously.

sd/- DAMA SESHADRI NAIDU, JUDGE.

rv

