

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. 9521 of 2015 (M)

PETITIONER:-

**JAMEELA, W/O. ABDUL AZEEZ,
ARD NO.150, THEKKAN HOUSE,
PALLIKKURUP. P.O, KARAKURISSI,
MANNARKKAD, PALAKKAD DISTRICT.**

**BY SRI.K.JAJU BABU, SENIOR ADVOCATE.
ADV. SMT.M.U.VIJAYALAKSHMI.**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO
GOVERNMENT OF KERALA,
FOOD & CIVIL SUPPLIES DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. SMT.TP. RAJANI,
DEPUTY SECRETARY TO FOOD &
CIVIL SUPPLIES DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 3. THE RATIONING CONTROLLER,
OFFICE OF THE COMMISSIONER OF CIVIL SUPPLIES,
THIRUVANANTHAPURAM-695 001.**
- 4. THE DISTRICT SUPPLY OFFICER,
PALAKKAD-678 014.**
- 5. SMT.RAYHANATH,
W/O.MUHAMMED SHAFFI, KOLASSERY HOUSE,
KUMARAMPUTHUR GRAMA PANCHAYATH, MANNARKKAD,
PALAKKAD DISTRICT-678 582.**

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**6. SRI.V.D. JOSEPH, AGED 63 YEARS,
S/O.DEVASSIA, PRESIDENT, KERALA CONGRESS (JACOB),
PALAKKAD DISTRICT COMMITTEE,
RESIDING AT: VELLANATTU HOUSE, KALLAMALA. P.O., AGALI,
MANNARKKAD, PALAKKAD-678 581.**

**R1, R3 & R4 BY SR. GOVT. PLEADER SRI.JOSEPH GEORGE.
R5 BY ADV. SRI.GEORGE POONTHOTTAM.**

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE ORDER P-1353/12 DATED 29.05.2014 ISSUED BY
THE 4TH RESPONDENT.
- EXT.P2 COPY OF THE NOTICE NO.(CS) A9-15162/13(1) DATED 26.12.2014
ISSUED BY THE 3RD RESPONDENT ALONG WITH NOTICE
NO.6092/B2/14/F & CSD OF THE 1ST RESPONDENT.
- EXT.P3 COPY OF THE REPLY DATED 30.12.2014 GIVEN BY THE
PETITIONER EXT.P2.
- EXT.P4 COPY OF THE HEARING NOTICE NO.6092/B2/14/F & CSD
DATED 11.02.2015 ISSUED BY THE 2ND RESPONDENT.
- EXT.P5 COPY OF CERTIFICATE NO.1118/15 DATED 10.03.2015 ISSUED BY
THE SECRETARY OF THE KARAKURISSI GRAMA PANCHAYATH.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.9521 OF 2015
.....

Dated this the 7th day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"(i) To issue a writ of certiorari or any other appropriate writ, order or direction calling for Exts.P2 & P4 and quash the same or in the alternative, direct respondents 1 and 2 to take a decision pursuant to Ext.P4 considering Exts.P3 & P5; and

(ii) To issue such other and further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Heard the learned counsel appearing for the petitioner, learned counsel appearing for the party respondents and also the learned Senior Government Pleader appearing for the State/departmental authorities.

3. The main grievance projected by the petitioner is that the 6th respondent, who is having some animosity with the

petitioner is behind the proceedings which are sought to be finalized and there is every chance to pass an order against the petitioner. The petitioner was appointed as an authorized retail distributor of A.R.D. No.150 in Karakurissi Grama Panchayat of Mannarkkad Taluk, by the 4th respondent as per Ext.P1. A show cause notice (Ext.P2) was issued to the petitioner, alleging some insinuating circumstances, which was sought to be replied by the petitioner. It is stated that, absolutely no offence or malpractice or irregularity has been committed by the petitioner at any point of time. The proceedings were sought to be finalized only because of the hatred and ill-will and that too, at the instance of the 5th respondent. It is contended that the 6th respondent, who is an office bearer of a political party, does not have any power or jurisdiction or authority to represent the matter before the concerned authorities, leading to issuance of notice.

4. The learned Government Pleader points out that the 6th respondent entered appearance pursuant to the hearing scheduled on 17.03.2015 vide Ext.P4, based on the specific instruction/authorization given by the 5th respondent to file

necessary proceedings. The said act is also asserted by the learned counsel appearing for the 5th respondent, to the effect that she had authorized the 6th respondent specifically in writing, to appear before the concerned authority and to have the proceedings finalized accordingly. It was on the basis of such authorization, that the 6th respondent appeared before the 2nd respondent. It is stated that the matter is still to be finalized.

5. In the above circumstances, there will be a direction to the 1st respondent to have the proceedings taken to a logical conclusion by passing a speaking order with regard to the issue forming the subject matter of the show cause notice and Ext.P4 hearing notice, within a period of 'one month' from the date of receipt of a copy of this judgment. The rights and liberties of the parties concerned, including the specific contention raised by the petitioner as to the challenge raised with regard to the authority of the 6th respondent, are left open.

6. The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 1st respondent for further steps.

The writ petition is disposed of accordingly.

Sd/-

P.R.RAMACHANDRA MENON
JUDGE

//true copy//

P.S. to Judge

St/-