

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 10520 of 2015 (L)

PETITIONER(S):

**ANWAR SADATH, S/O.MUHAMMED, AGED 37,
BENEFICIARY COMMITTEE CONVENOR OF
PARAKKANNI HEALTH CENTRE-POOLAKUNN ROAD ,
ALIPARAMBA GRAMA PANCHAYATH, PERINTHALMANNA,
MALAPPURAM DISTRICT, RESIDING AT MUTHUKURSSITHODI,
ALIPARAMBA, PERINTHALMANNA.**

BY ADV. SRI.K.I.SAGEER IBRAHIM.

RESPONDENT(S):

- 1. ALIPARAMBA GRAMA PANCHAYATH,
ALIPARAMBA, PERINTHALMANNA, MALAPPURAM DISTRICT,
REP. BY ITS SECRETARY, PIN- 679 322.**
- 2. ASSISTANT ENGINEER,
LSGD DIVISION, ALIPARAMBA GRAMA PANCHAYATH,
P.O. THOOTH, PERINTHALMANNA-679 322.**
- 3. ASSISTANT EXECUTIVE ENGINEER,
LSGD SUB DIVISION, PERINTHALMANNA-679 322.**
- 4. DISTRICT COLLECTOR,
MALAPPURAM DISTRICT, COLLECTORATE,
MALAPPURAM, PIN -679 322.**

**R1 BY ADV. SRI.V.MUHAMMED RAFEEQ.
R2 TO R4 BY SR. GOVT. PLEADER SRI.K.C. VINCENT.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT-P1: TRUE COPY OF THE PROJECT FORM NO.2 ALONG WITH DOCUMENT AND LOCATION MAP.

EXHIBIT-P2: A TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DATED NIL.

EXHIBIT-P3: A TRUE COPY OF THE MINUTES OF MEETING DATED 05.02.2015 OF THE BENEFICIARY COMMITTEE OF THE 1ST RESPONDENT.

EXHIBIT-P4: TRUE COPY OF THE RELEVANT EXTRACT OF THE BANK ACCOUNT IN THE NAME OF THE PETITIONER AND ANOTHER.

EXHIBIT-P5: A TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE SECRETARY OF THE 1ST RESPONDENT DATED 16.03.2016.

EXHIBIT-P6: A TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 16.03.2016.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No. 10520 OF 2015
.....

Dated this the 9th April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"a) issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to execute agreement with the petitioner in respect of Ext.P1 work and further direct the 2nd respondent to permit the beneficiary Committee to commence the work and complete the same within the time period stipulated therein.

b) issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents not to divert the fund allotted for Ext.P1 work to any other project.

c) issue a writ of mandamus or any other appropriate writ, order or direction directing the 4th respondent to consider Ext.P5 and take action thereon expeditiously within the timelimit fixed by this Hon'ble Court.

d) issue such other appropriate writs, order or directions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

2. The petitioner is the convener of the Beneficiary Committee constituted for construction of a new concrete road named as Parakkanni Health Centre-Poolakunn Road in Ward No.9 of the first respondent/ Aliparamaba Grama Panchayath. For construction of the above road, a sum of Rs.1.5 lakh was sanctioned. Subsequently, the Government of Kerala issued a notification dated 25.01.2015 demarcating areas of the Grama Panachayath. As per the said notification, the above road comes within the Thazhekodi Grama Panchayath. The petitioner is aggrieved of the activities being pursued by the ward member and ruling party in the Panchayat, obstructing construction of the concerned road and diverting funds to other projects, which comes within the first respondent/Panchayat.

3. When the matter is taken up for consideration, the learned Counsel for the petitioner submits that the grievance of the petitioner has already been projected by way of Ext.P6 and that the petitioner will be satisfied, if a direction is given to the 4th respondent/District Collector to consider and finalise Ext.P6 within a reasonable time.

4. Heard the learned Government Pleader as well.

5. Considering the limited nature of relief pressed before this Court, it is not necessary to adjudicate the issue on merits. Accordingly, the writ petition is disposed of directing the 4th respondent to consider and finalise Ext.P6, after hearing the petitioner, the concerned Panchayaths and other interested parties, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of. The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 4th respondent/District Collector for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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