

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 11516 of 2015 (L)

PETITIONERS:

1. P.N. SANKARAN AGED 59 YEARS
PADAPARAMBATH HOUSE, P.O POOVATHISSERY, THRISSUR.
2. P.K.RAVINDRAN
PUTHIYEDATH HOUSE, KALLOOR P.O, ANNAMANADA
THRISSUR DISTRICT.
3. C.PRABHAKARAN
ARUN NIVAS, P.O CHERUVALOOR, KADUKUTTY
THRISSUR DISTRICT.
4. K.A.SANKARAN
KATTUKANDATHIL HOUSE, VALOOR, P.O CHERUVALOOR
THRISSUR DISTRICT.
5. T.K.SATHEESAN
THANIKKAL HOUSE, MELADOOR P.O, ALATHOOR VILLAGE.

BY ADVS.SRI.P.C.SASIDHARAN
SRI.ARAVINDA KUMAR BABU T.K.

RESPONDENTS

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM 695 001.
2. THE DIRECTOR OF TREASURIES
OFFICE OF THE DIRECTORATE OF TREASURIES
THIRUVANANTHAPURAM 695 001.
3. THE DISTRICT TREASURY OFFICER
IRINJALAKUDA, THRISSUR 680 121.
4. THE SUB TREASURY OFFICER
ANNAMANADA, THRISSUR 680 741.

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

- EXHIBIT P1. COPY OF THE GAZETTE NOTIFICATION.
- EXHIBIT P2. COPY OF THE LETTER ADDRESSED TO THE PRESIDENT,
ANNAMANADA PANCHAYATH IN THIS REGARD DATED 28.04.09.
- EXHIBIT P3. COPY OF THE G.O(MS)NO.1043/2010/LSGD DATED 25.03.10.
- EXHIBIT P4. COPY OF THE REPRESENTATION PREFERRED BEFORE THE 2ND
RESPONDENT.
- EXHIBIT P5. COPY OF THE RESOLUTION ALONG WITH THE LETTER ADDRESSED
TO THE HONOURABLE MINISTER FOR FINANCE, RECEIVED UNDER
THE RIGHT TO INFORMATION ACT.
- EXHIBIT P6. COPY OF THE LETTER ADDRESSED TO THE HONOURABLE
MINISTER FOR FINANCE DATED 05.11.13.
- EXHIBIT P7. COPY OF THE JUDGMENT IN WPC 28263/2013 AND THIS
HONOURABLE COURT DATED 22.11.13.
- EXHIBIT P8. COPY OF THE RECOMMENDATION OF THE 2ND RESPONDENT.
- EXHIBIT P9. COPY OF THE GOVERNMENT ORDER ISSUED G.O(RT)
NO.928/15/FIN DATED 5.2.15.
- EXHIBIT P10. COPY OF THE COMMUNICATION DATED 30.3.15.
- EXHIBIT P11. COPY OF THE G.O(RT) NO.2268/15/FIN DATED 18.3.15.
- EXHIBIT P12. COPY OF THE LETTER DATED 25.3.15.

RESPONDENTS' EXHIBITS

NIL

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.11516 of 2015

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Dated this the 8th day of April, 2015

JUDGMENT

The petitioners challenge the alleged unauthorised shifting of Sub Treasury from Annamanada to Mala.

2. Heard the learned Government Pleader as well.

3. It is brought to the notice of this Court from the part of the respondents that the Sub Treasury was sought to be shifted from Annamanada to Mala by the Government, based on the assurance and undertaking given by the owner of the land, who had agreed to surrender the land free of cost, so as to construct building and to accommodate the Sub Treasury and to suit to the convenience of all concerned in a place which is better located in all respects. The property was surrendered; but the construction was not completed. Pursuant to further steps, the construction was completed and still, the Sub Treasury was not shifted from Annamanada to Mala. This made the concerned party who effected free surrender of the property to approach this Court by filing a writ petition which was disposed

of giving appropriate directions. Subsequently, the direction was not given effect to, leading to contempt of court proceedings. An undertaking was made from the part of the Government to the effect that steps were being taken to shift the Sub Treasury and on the basis of the said submission, the contempt matter was closed by the concerned Bench who was dealing with the matter as per the roster.

4. Later, the authorities, instead of shifting the Sub Treasury to Mala, sought to shift the office of Deputy Director of Treasuries to the concerned building, which gave rise to cause of action to the party who effected the free surrender. It was brought to the notice of the Court that the purpose is defeated and undertaking given before this Court so as to have the contempt matter closed was violated. I.A.No.94/2005 was filed to revive the contempt of court matter, which came up for consideration before the concerned court (to which I was also a member); when it was submitted by the Government that the order passed shifting the office of the Deputy Director came to be issued only by virtue of an inadvertent mistake/omission and that steps were being taken to recall the said order.

Subsequently, the matter was reported before the Court, stating that the earlier order had already been recalled and revised orders have been passed to shift the Sub Treasury from Annamanada to Mala. Based on the said orders, (copies of which were produced before the Bench) the IA seeking to revive the contempt matter was closed.

This being the position, this Court finds that, this is not at all a fit case to call for any interference, with regard to the grievance projected by the writ petition. Accordingly, the writ petition stands dismissed.

**P.R.RAMACHANDRA MENON,
JUDGE**

sj