

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

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

WP(C).No. 11929 of 2015 (M)

PETITIONERS:

1. P.K.RAMAN, AGED 70 YEARS,
PULPRAKKUDIYIL HOUSE,
MANIPPARA POST, KARIMBAN,
VAZHATHOPE PANCHAYATH, IDUKKI VILLAGE,
IDUKKI DISTRICT.
2. PARUKKUTY, AGED 65 YEARS,
W/O. P.K. RAMAN,
PULPRAKKUDIYIL HOUSE, MANIPPARA POST, KARIMBAN,
VAZHATHOPE PANCHAYATH, IDUKKI VILLAGE,
IDUKKI DISTRICT.
3. GIRIJAN R, AGED 44 YEARS,
S/O. P.K. RAMAN, PUPRAKKUDIYIL HOUSE,
MANIPPARA POST, KARIMBAN, VAZHATHOPE PANCHAYTH,
IDUKKI VILLAGE, IDUKKI DISTRICT.

BY ADVS.SRI.T.M.RAMAN KARTHA
SMT.SYAMA MOHAN

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE DISTRICT COLLECTOR, IDUKKI - 685 603.
3. VAZHATHOPE PANCHAYATH, VAZHATHOPE,
IDUKKI DISTRICT - 685 603, REPRESENTED BY ITS
SECRETARY.
4. THE REVENUE DIVISIONAL OFFICER, IDUKKI DISTRICT - 685 603.
5. THE VILLAGE OFFICER, IDUKKI VILLAGE - 685 603.

R BY SRI. K.A. SANGEETHA, GOVERNMENT PLEADER

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

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1 : TRUE COPY OF THE BUILDING PERMIT NO.A4-2(09) 21 DATED 07.08.2009 ISSUED BY THE PANCHAYATH.
- EXT.P2 : TRUE COPY OF RESOLUTION NO.10 OF THE GRAMA PANCHAYTH DATED 24.06.2014.
- EXT.P2(a) : ENGLISH TRANSLATION OF EXT.P2.
- EXT.P3 : TRUE COPY OF THE REPRESENTATIONS DATED 16.01.2015 SUBMITTED BY THE 3RD PETITIONER BEFORE THE SECOND RESPONDENT.
- EXT.P4 : TRUE COPY OF THE REPRESENTATIONS DATED 28.01.2015 SUBMITTED BY THE 3RD PETITIONER BEFORE THE SECOND RESPONDENT.
- EXT.P3(a) : TRUE ENGLISH TRANSLATION OF EXHIBIT P3.
- EXT.P4(a) : TRUE ENGLISH TRANSLATION OF EXHIBIT P4.
- EXT.P5 : TRUE COPY OF THE REPORT DATED 13.02.2015 ISSUED BY THE SECRETARY TO THE 2ND RESPONDENT.
- EXT.P5(a) : TRUE ENGLISH TRANSLATION OF EXHIBIT P5.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 11929 of 2015 (M)

Dated this the 9th day of April, 2015.

JUDGMENT

Heard the learned counsel for the petitioners and the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioners have a grievance that the high-mast light being installed by the respondent Grama Panchayath under the financial aid of the Asset Development Scheme of the local member of the Legislative Assembly is obstructing free passage to the petitioners' commercial building. Since the second respondent is said to be the Nodal Officer to administer the funds under the scheme in reference, the petitioners are said to have submitted Exts.P3 and P4. Ventilating their grievance that before the second respondent could decide on Exts.P3 and P4, the respondent Grama Panchayath has been proceeding with the erection of high-

mast light in front of the petitioners' building.

3. The learned counsel for the petitioners has submitted that when the second respondent obtained Ext.P5 report from the Panchayath Secretary, it has clearly come out in the report that the high-mast light being established by the Grama Panchayath does obstruct the passage of the petitioners' building. According to him, unless the second respondent decides on the petitioners' objection, the respondent Grama Panchayath shall not proceed further.

4. The learned Government Pleader, on her part, has submitted that the second respondent does not have any objection to consider the petitioners' objections in accordance with law.

5. Though no notice has been issued to the respondent Grama Panchayath, the writ petition is being disposed of, as there is no interdiction of Panchayath's work of establishing high-mask light. It is made clear that the high-mast light being established by the Grama Panchayath shall be subject to the

outcome of the decision to be taken by the second respondent based on the petitioners' Exts.P3 and P4 objections.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioners and the learned Government Pleader, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the 2nd respondent to consider the petitioners' objections, after hearing the petitioners as well as the respondent Grama Panchayath. Whatever developments that are to take place concerning the erection of high-mast light by the respondent Grama Panchayath shall be subject to the result of the adjudication to be undertaken by the second respondent.

sd/- DAMA SESHADRI NAIDU, JUDGE.

