

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 12007 of 2015 (A)

PETITIONER(S):

**SHEELA (MENTALLY RETARDED)
D/O.LATE GOPALAKRISHNA PILLAI, AGED 44 YEARS
RESIDING AT NARAYANATHU HOUSE, PULLIKKANAKKU.P.O.,
KRISHNAPURAM VILLAGE, KAYAMKULAM, ALAPPUZHA DISTRICT,
REPRESENTED BY HER SISTER AND NEXT FRIEND SREEDEVI
AGED 37 YEARS, D/O.LATE GOPALAKRISHNA PILLAI
DO - DO**

**BY ADVS.SRI.T.MADHU
SRI.K.N.AJAYAN**

RESPONDENT(S):

- 1. THE STATE OF KERALA REPRESENTED BY ITS
SECRETARY TO GOVERNMENT, SOCIAL WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE DISTRICT COLLECTOR, ALAPPUZHA DISTRICT-688001.**
- 3. THE LOCAL LEVEL COMMITTEE CONSTITUTED UNDER THE
PROVISIONS OF NATIONAL TRUST FOR THE WELFARE OF
PERSONS WITH AUTISM, CEREBRAL PALSY, MENTAL
RETARDATION AND MULTIPLE DISABILITIES ACT 1999
REPRESENTED BY THE SOCIAL WELFARE OFFICER, ALAPPUZHA,
ALAPPUZHA DISTRICT.**
- 4. THE TAHSILDAR, KARTHIKAPPALLY TALUK,
ALAPPZUHA DISTRICT-690516.**
- 5. THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**

BY ADV.SRI.JOSEPH GEORGE, SR.GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT.P-1: THE TRUE COPY OF THE DISABILITY CERTIFICATE ISSUED BY THE MEDICAL BOARD, ALAPPUZHA DATED 26.11.2010.

EXHIBIT.P-2: THE TRUE COPY OF THE PROCEEDINGS DATED 28.7.2011 OF THE 4TH RESPONDENT.

EXHIBIT.P-3: THE TRUE COPY OF THE PETITION IN O.P.(MH).NO.100/2012 ON THE FILES OF THE ADDITIONAL DISTRICT COURT-I, MAVELIKKARA.

EXHIBIT.P-4: THE TRUE COPY OF THE JUDGMENT DATED 31.7.2013 IN O.P.(MH). NO.100/2012 ON THE FILES OF THE ADDITIONAL DISTRICT COURT-I, MAVELIKKARA.

EXHIBIT.P-5: THE TRUE COPY OF THE PROCEEDINGS DATED 4.6.2014 OF THE 3RD RESPONDENT.

EXHIBIT.P-6: THE TRUE COPY OF THE PROCEEDINGS DATED 09.07.2014 OF THE 3RD RESPONDENT.

EXHIBIT.P-7: THE TRUE COPY OF THE PROCEEDINGS DATED 30.08.2014 OF THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS

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R.AV

//TRUE COPY//

PATO JUDGE

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.12007 OF 2015
.....

Dated this the 10th April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) issue a writ of certiorari and quash Ext.P6 proceedings of the 3rd respondent so as to secure the ends of justice.

ii) issue a writ of mandamus or any other appropriate writ, direction or order directing the 3rd respondent to appoint Smt. Sreedevi, aged 37 years, D/o. Late Gopalakrishna Pillai, Narayanathu House, Pullikkanakku P.O., Krishnapuram Village as the guardian of the person and property of the petitioner, so as to secure the ends of justice; And

iii) such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case. "

2. Heard the learned Counsel for the petitioner as well as the learned Government Pleader for the respondents.

3. The learned Government Pleader submits that if the petitioner approaches the second respondent/District Collector

by filing a proper representation, the same could be caused to be considered in the light of new guidelines issued so as to redress the grievance of the petitioner within the permissible limits.

4. In the said circumstance, the petitioner is relegated to move the second respondent /District Collector by filing a proper representation, upon which, the same shall be considered and appropriate orders shall be passed within two months from the date of receipt of such representation, after affording an opportunity of hearing to the petitioner.

The writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the second respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

/k