

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. 12262 of 2015 (G)

PETITIONER(S):

- 1. KURIAKOSE ELIAS SERVICE SOCIETY (KESS),
NAIKKANAL, THRISSUR-680 001,
REPRESENTED BY ITS SECRETARY FR. JOY VOTTOY, CMI.**
- 2. DHARSANAVEEDU CHARITABLE TRUST,
DEVAMATHA CMI PROVINCIAL HOUSE, THIRUVAMBADI.P.O.,
THRISSUR-680 022, REPRESENTED BY ITS SECRETARY
FR. SHAJU EDAMANA CMI.**

**BY SRI.P.VIJAYA BHANU,SENIOR ADVOCATE
ADVS. SMT.M.M.DEEPA
SRI.AJEESH K.SASI
SRI.P.D.BABY JOHN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001**
- 2. THE DISTRICT COLLECTOR & DISTRICT MAGISTRATE,
COLLECTORATE, THRISSUR DISTRICT,PIN-680 001**
- 3. THE DISTRICT POLICE CHIEF, THRISSUR DISTRICT-680 001**

BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT

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

sts

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE LICENCE AGREEMENT NO.4694/13 OF S.R.O. THRISSUR DATED 20/12/2013.**
- P2 COPY OF THE COMMUNICATION NO.C1-22176/14 DATED 08/04/2014 ISSUED BY THE 2ND RESPONDENT TO THE CURATOR, ARCHEOLOGICAL MUSEUM, SAKTHAN THAMPURAN PALACE, THRISSUR.**
- P3 COPY OF THE MINUTES OF THE MEETING HELD ON 09/04/2014 BEFORE THE 2ND RESPONDENT**
- P4 COPY OF THE ORDER IN I.A.NO.24233 OF 2014 IN O.S.NO.7881 OF 2014 ON THE FILE OF THE MUNSIF COURT, THRISSUR.**
- P5 COPY OF THE ORDER DATED 08/12/2014 IN I.A.NO.24233 OF 2014 IN O.S.NO.7881 OF 2014 ON THE FILE OF THE MUNSIF COURT, THRISSUR.**
- P6 COPY OF THE ORDER DATED 08/12/2014 IN WP(C).NO.32791 OF 2014 ON THE FILE OF THIS HONOURABLE COURT**
- P7 COPY OF THE REPRESENTATION DATED 15/12/2014 SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT**
- P8 COPY OF THE NOTICE SHOWING THAT "MAHA SARVAISWARYA POOJA" WILL BE CONDUCTED ON 08/04/2015 AT 5.00 PM.**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 12262 of 2015

Dated this the 10th day of April, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers:

- "i) Issue a writ of Mandamus or any other writ, order or direction directing the 2nd respondent to remove the 'sculptures' and 'sopanakallu' from the properties of the petitioners to a safer place enabling the petitioners to resume construction work in the property covered under Exhibit P1 licence agreement.*
- ii) Issue a writ of Mandamus or any other writ, order or direction directing the 2nd respondent to consider and dispose off Exhibit P7 representation within a time to be stipulated by this Honourable Court;*
- iii) Issue such other writ, order or direction which this Honourable Court may deem fit and proper in the facts and circumstances of the case, so as to secure the ends of justice."*

2. Heard the learned Government Pleader as well.

3. Considering the limited extent of relief sought for, this Court does not find it necessary to go into the merit of the case. The writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P7, in accordance with law, after affording an opportunity of hearing to the

petitioners. It shall be done, at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment.

The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn