

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 14102 of 2015 (k)

PETITIONER(S):

1. SARITHA, W/O.MADHU, AGED 31 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
2. RAJAMANI, W/O.RANGASWAMI,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
3. SUBHASH JAYAPAL, S/O.SILUVAI MARY,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
4. SOPHIA, D/O.MUTHUSWAMY, AGED 30 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
5. RITA MARY, D/O.PRAKASHAN,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
6. JOSAPHIN, D/O.GURUSWAMY, AGED 29 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
7. DAISY, W/O.JEROMI ANTHONI, AGED 35 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
8. SUNDARAN, S/O.SARANKAPANI, AGED 67 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
9. BENCY, D/O.SELVARAJ, AGED 25 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
10. JESSINTHA CLEMENTS, W/O.MARTIN PUSHPARAJ,
AGED 36 YEARS, RESIDING AT SWAMINATHAN RESIDENTIAL
GARDEN, KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.

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11. RADHAMONY, W/O.DAVID DURAI, AGED 33 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
12. KALAMONI, W/O.MANIKANDAN, AGED 38 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
13. CHRISTINA LALITHA, W/O.ANILKUMAR ANTONY,
AGED 23 YEARS, RESIDING AT SWAMINATHAN RESIDENTIAL
GARDEN, KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
14. ISABELLA MARY, D/O.LOORDSWAMI, AGED 31 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
15. JOYCY, W/O.AROGYASWAMI, AGED 31 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
16. MINI, W/O.EDVIN SUNDAR RAJ, AGED 43 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
17. ELIZABATH RANI, D/O.SANDYAVU, AGED 33 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
18. KAVITHA, D/O.SEKHAR, AGED 33 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
19. MANIKANDAN, RAMASWAM, AGED 32 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
20. SONIA STELLA, W/O.REJIS SANTHAKUMAR, AGED 31 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
21. DAISY MARY, W/O.MARIA JOSE, AGED 27 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
22. MARTINA MARY, W/O.THOMAS, AGED 34 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
23. ROSSILY, W/O.JOSEPH, AGED 38 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.

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24. LILLY, W/O.SWAMINATHAN, AGED 31 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
 25. THRESSIA, W/O.ARBUTHASWAMI, AGED 25 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
 26. ELIZABETH RANI, D/O.MUTHUSWAMY, AGED 57 YEARS,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.
 27. ABILA VELAMKANNI, D/O.JAMES NAYAKAM,
RESIDING AT SWAMINATHAN RESIDENTIAL GARDEN,
KOZHIPARA, VADAKARAPATHY, CHITTUR TALUK.

BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENT(S):

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1. VADAKARAPATHY GRAMA PANCHAYAT,
KOZHIPARA.P.O., CHITTUR TALUK,
PALAKKAD DISTRICT,
REPRESENTED BY ITS SECRETARY,
PIN-678 557.
 2. GOVERNMENT OF KERALA, REPRESENTED
BY PRINCIPAL SECRETARY TO GOVERNMENT,
LOCAL SELF ADMINISTRATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.

R2 BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 1ST PETITIONER.
- P2- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 1ST PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 19.08.2010.
- P3- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.05.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 2ND PETITIONER.
- P4- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 2ND PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY.
- P5- TRUE COPY OF THE DEATH CERTIFICATE DATED 02.05.2014 ISSUED FROM THE PALAKKAD MUNICIPALITY EVIDENCING DEATH OF THE 3RD PETITIONER'S MOTHER SMT.SILUVAI MARY.
- P6- TRUE COPY OF THE RATION CARD ISSUED IN THE NAME OF THE 3RD PETITIONER'S GRANDMOTHER SMT.MATHALA MARY BY THE TALUK RATIONING OFFICER, CHITTUR ON 04.08.2010.
- P7- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT IN THE NAME OF THE 3RD PETITIONER'S MOTHER EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 3RD PETITIONER'S MOTHER.
- P8- TRUE COPY OF THE ACKNOWLEDGMENT DATED 16.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 4TH PETITIONER.
- P9- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 4TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 17.01.2013.
- P10- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 5TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 28.08.2010.
- P11- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 6TH PETITIONER.
- P12- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 6TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 05.10.1998.
- P13- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 7TH PETITIONER.

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- P14- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 7TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 19.09.2008.
- P15- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 8TH PETITIONER.
- P16- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 8TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 20.08.2007.
- P17- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 9TH PETITIONER.
- P18- TRUE COPY OF THE ADHAR CARD ISSUED IN THE NAME OF THE 9TH PETITIONER ISSUED BY THE GOVERNMENT OF INDIA.
- P19- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 10TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 06.01.2011.
- P20- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 11TH PETITIONER.
- P21- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 11TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 05.09.2003.
- P22- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 12TH PETITIONER.
- P23- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 12TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 09.05.2002.
- P24- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 13TH PETITIONER.
- P25- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 13TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 06.01.2011.
- P26- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 14TH PETITIONER.

- P27- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 14TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 15.02.2005.
- P28- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 15TH PETITIONER.
- P29- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 15TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 06.01.2012.
- P30- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 16TH PETITIONER.
- P31- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 16TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 25.03.2002.
- P32- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 17TH PETITIONER.
- P33- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 17TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 04.04.2002.
- P34- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 18TH PETITIONER.
- P35- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 18TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 25.03.2002.
- P36- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 19TH PETITIONER.
- P37- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 19TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 05.03.2006.
- P38- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 20TH PETITIONER.
- P39- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 20TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 01.04.2002.

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- P40- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 21ST PETITIONER.
- P41- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 21ST PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 28.08.2010.
- P42- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 22ND PETITIONER.
- P43- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 22ND PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 01.04.2002.
- P44- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 23RD PETITIONER.
- P45- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 23RD PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 23.04.2002.
- P46- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 24TH PETITIONER.
- P47- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 24TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 01.04.2004.
- P48- TRUE COPY OF THE ACKNOWLEDGMENT DATED 01.04.2013 ISSUED BY THE 1ST RESPONDENT EVIDENCING RECEIPT OF APPLICATION FOR ALLOTMENT OF TEMPORARY BUILDING NUMBER FROM THE 25TH PETITIONER.
- P49- TRUE COPY OF THE ELECTION IDENTITY CARD ISSUED IN THE NAME OF THE 26TH PETITIONER BY THE ELECTORAL REGISTRATION OFFICER OF CHITTUR ASSEMBLY CONSTITUENCY ON 24.04.2002.
- P50- TRUE COPY OF THE ADHAR CARD ISSUED IN THE NAME OF THE 27TH PETITIONER BY THE GOVERNMENT OF INDIA.
- P51- TRUE COPY OF THE CIRCULAR DATED 04.08.2012 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

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A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 14102 of 2015

Dated this the 21st day of May, 2015

J U D G M E N T

Aggrieved by the delay on the part of the 1st respondent in considering the applications filed by the petitioners for allotment of temporary building number/residential certificates for their respective dwelling houses in accordance with the direction given in Ext.P51 circular issued by the 2nd respondent, the petitioners have come up before this Court.

2. The petitioners are in occupation of some land situated in Sy.No.85 of Ozhalappathy Village within the territorial jurisdiction of Vadakarapathy Grama Panchayat in Chittur Taluk, Palakkad District. The petitioners allege that the aforesaid land is excess land obtained by the State, which has been kept aside for allotment to the landless persons, who do not own dwelling house. The petitioners allege that they are in occupation of the excess land surrendered by one Swaminathan to the Taluk Land Board,

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Chittur under the provisions of the Kerala Land Reforms Act; and the said land is earmarked for the persons, who have no dwelling houses of their own. The petitioners have about 4 to 5 cents each in the above land and they have constructed dwelling houses in the property. Accordingly, the petitioners have made separate applications for assignment of land under the Kerala Land Assignment Rules and for allotment of temporary building number/temporary residential certificate before the 1st respondent panchayath in the name of respective petitioners. It is further alleged that the 2nd respondent issued Ext.P51 circular directing the respective panchayath in the State to issue temporary building number/temporary residential certificates so as to enable the holders of the respective lands/buildings to get water connection/electricity connection. The petitioners' grievance is that even after a lapse of nearly two years from the date of filing of the applications before the 1st respondent, no action has been taken so far despite the issuance of Ext.P51 by the 2nd respondent. It is with this background, the petitioners have

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come up before this Court.

3. When the matter came up for admission, the learned counsel for the petitioners confined his argument to the limited prayer for a direction to the 1st respondent to consider and pass appropriate orders on the respective applications submitted by the petitioners within a time frame.

In the light of the submission, this writ petition is disposed of directing the 1st respondent to consider and pass appropriate orders on the respective applications submitted by the petitioners after affording the petitioners and the affected parties, if any, an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioners shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the 1st respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

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