

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

WP(C).No. 14559 of 2015 (T)

PETITIONER(S):

**P.G.UNNIKRISHNAN AGED 44 YEARS
S/O.P.T.GOPALAN, CHANDINI NIVAS, 4/64A
ESTATE BUNGALOW, VENGANALLOOR, CHELAKKARA
THRISSUR DISTRICT.**

**BY ADVS.SRI.V.G.ARUN (NEYATTINKARA)
SRI.ANOOP BHASKAR**

RESPONDENT(S):

- 1. TRAVANCORE DEVASWOM BOARD
THIRUVANANTAPURAM, REPRESENTED BY ITS SECRETARY
THIRUVANANTHAPURAM - 695 001.**
- 2. THE COMMISSIONER
TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM-695001**
- 3. K. SENTHIL NATHAN
S/O.KATHIRESHAN CHETTIYAR, KATHIR ILLAM, SASTHRI ROAD
VADUTHALA, COCHIN-682 023.**
- 4. SIVAKAMI SUNDARI
W/O.SENTHIL NATHAN, KATHIR ILLAM, SASTHRI ROAD
VADUTHALA, COCHIN-682 023.**

R1-R2 BY ADV. SRI.M.V.S.NAMBOOTHIRI, SC, TRAVANCORE DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - THE TRUE COPY OF THE PARTNERSHIP DEED DATED 19.10.2014
EXT.P2 - THE TRUE COPY OF THE JOINT VENTURE BUSINESS AGREEMENT DATED 19.10.2014
EXT.P3 - THE TRUE COPY OF THE CASH FOR RS.8.16,000/- IN FAVOUR OF EXECUTIVE ENGINEER, TRAVANCORE DEVASWOM BOARD DRAWN ON FEDERAL BANK, STATUE BRANCH BY THE PETITIONER.
EXT.P3(A) - THE TRUE COPY OF THE CASH FOR RS.3,00,000/- IN FAVOUR OF EXECUTIVE ENGINEER, TRAVANCORE DEVASWOM BOARD DRAWN ON FEDERAL BANK, STATUE BRANCH BY THE PETITIONER.
EXT.P4 - THE TRUE COPY OF THE SELECTION NOTICE OF TENDER DATED 28.11.2014
EXT.P5 - THE TRUE COPY OF THE LAWYER'S NOTICE ISSUED TO THE PETITIONER ON BEHALF OF THE 3RD AND 4TH RESPONDENTS DATED 17.01.2015
EXT.P6 - THE TRUE COPY OF THE REPLY NOTICE ISSUED TO THE 3RD AND 4TH RESPONDENTS ON BEHALF OF THE PETITIONER DATED 07.02.2015
EXT.P7 - THE TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 06.02.2015
EXT.P8 - THE TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 06.05.2015

RESPONDENT(S)' EXHIBITS

NIL.

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///True copy///

P.S. to Judge

ALEXANDER THOMAS, J.

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W.P.(C).No. 14559 of 2015

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Dated this the 15th day of May, 2015

J U D G M E N T

The above Writ Petition (Civil) has been filed with the following prayers:

- “i. issue a writ of mandamus or any other appropriate writ or direction to the 1st and 2nd respondents to conduct an enquiry on Exhibit P7 petition and release Exhibits P3 and P3(a) cash certificates to the petitioner within a specified time.
- ii. issue a writ of mandamus or any other appropriate writ or direction to the 1st and 2nd respondents to cancel the work orders issued in favour of 3rd and 4th respondent and to black list the said respondents thereafter.”

2. Sri.V.G.Arun, learned counsel for the petitioner confines his prayer for a direction to the 2nd respondent to consider and take a decision on Ext.P-7 representation without any further delay.

3. In the facts and circumstances of the case it is ordered in the interest of justice that in case the 2nd respondent has received Ext.P-7 representation and the same is pending consideration, then the 2nd respondent-Commissioner, Travancore Devaswom Board, Thiruvananthapuram shall take -- the same for orders and pass appropriate orders strictly in accordance with law after giving an

opportunity of hearing to the petitioner and contesting respondents 3 and 4. This shall be done without any further delay preferably within a period of six weeks from the date of production of a certified copy of this judgment. It is made clear that this direction has been issued without going into the merits of the matter or without examining the maintainability of the main application for judicial review.

With these directions and observations, the Writ Petition (Civil) stands finally disposed of.

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sd/- ALEXANDER THOMAS, JUDGE.

ALEXANDER THOMAS, J.

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W.P.(C).No. 14557 of 2015

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Dated this the 15th day of May, 2015

O R D E R

Admit W.P.(C).

Issue notice to all the respondents by speed post returnable within two weeks.

This Court has already issued Ext.P-10 interim order on 8.5.2015 in a similar case in W.P.(C).No.13848/2015. Accordingly, there will be interim stay of Ext.P-9 demand, subject to the condition that the petitioner shall pay 25% of the demand for the year 2015-16 or at the rate prevailing in 2014-15, whichever is higher. As the petitioner has already paid the demand for 2014-15 as per Ext.P-6 at the rate prevailing in the year 2014-15, the additional demand made in the impugned Ext.P-9 for the year 2014-15 as well, shall not be insisted.

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H/O.

ALEXANDER THOMAS, JUDGE

ALEXANDER THOMAS, J.

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W.P.(C).No. 14558 of 2015

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Dated this the 15th day of May, 2015

O R D E R

Admit W.P.(C).

A.S.G. takes notice for R1–Union of India. Sri.Millu Dandapani, Standing Counsel for the N.I.T. takes notice for respondents 2 to 5. Issue notice by speed post to R6 & R7 returnable within two weeks.

Respondents 2 to 5 will file a statement through their Standing Counsel as to how respondents 6 and 7 were nominated by the Chairman of the National Institute of Technology, as per the impugned Ext.P3 proceedings, when provisions of Sec.11(f) of the N.I.T. Act mandate that one Professor and one Assistant Professor or a Lecturer of the Institute is to be nominated to the Board of Governors of the Institute by the Senate.

List on 1.7.2015.

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ALEXANDER THOMAS, JUDGE

ALEXANDER THOMAS, J.

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W.P.(C).No. 14568 of 2015

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Dated this the 15th day of May, 2015

ORDER

Admit. Issue notice to all the respondents by speed post returnable within two weeks.

There will be interim stay as prayed for, for a period of two months. The competent authority among the respondents will file affidavit or statement without any further delay.

List on 1.7.2015.

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H/O.

ALEXANDER THOMAS, JUDGE

ALEXANDER THOMAS, J.

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W.P.(C).No. 14562 of 2015

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Dated this the 15th day of May, 2015

O R D E R

Sri.R.S.Kalkura, Standing Counsel for the State Bank of India appearing for the 2nd respondent submits that the loan account has already been transferred by the State Bank of India to the Assets Reconstruction Company of India Ltd., and that the petitioners have to implead that company. The Standing Counsel shall furnish address of that company to the petitioners' counsel. The petitioners to implead the said company.

List on 22.5.2015.

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ALEXANDER THOMAS, JUDGE

ALEXANDER THOMAS, J.

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W.P.(C).No. 14567 of 2015

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Dated this the 15th day of May, 2015

O R D E R

Notice before admission taken by G.P. for respondents 1 to 4. Sri.R.S.Kalkura, learned Standing Counsel for the SBI takes notice for the 5th respondent. The petitioners will take out notice before admission to the 6th respondent by speed post returnable within ten days.

List on 26.5.2015 in the Admission List. In the meanwhile it is ordered that no coercive action shall be taken against the petitioners' property.

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H/O.

ALEXANDER THOMAS, JUDGE

ALEXANDER THOMAS, J.

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W.P.(C).No. 14572 of 2015

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Dated this the 15th day of May, 2015

ORDER

Issue notice before admission to the respondents by speed post returnable within ten days. The learned counsel for the petitioners submits that the petitioners are prepared to clear the overdue defaulted amount in three equal monthly instalments to facilitate regularisation of the housing loan availed by them.

List on 27.5.2015 in the Admission List. In the meanwhile, status quo as regards the property of the petitioners will be maintained.

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ALEXANDER THOMAS, JUDGE

H/O.

ALEXANDER THOMAS, J.

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W.P.(C).No. 14569 of 2015-U

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Dated this the 15th day of May, 2015

O R D E R

The Standing Counsel for the CBI shall get instructions from the 1st respondent as to whether the passport of the petitioner could be returned to her in case she is not an accused in the crime involved. List at 10.15 a.m. on 19.5.2015. The 1st respondent Superintendent of Police, CBI, will appear in person with the passport of the petitioner at 10.15 a.m. on 19.5.2015.

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ALEXANDER THOMAS, JUDGE

ALEXANDER THOMAS, J.

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W.P.(C).Nos.14522 & 14540 of 2015

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Dated this the 15th day of May, 2015

O R D E R

Notice before admission to the respondents taken by
Sri.K.S.Anil, Standing Counsel for K.S.E.B.

The respondents will file statement through their Standing
Counsel. List on 22.5.2015. In the meanwhile, status quo as regards
the petitioners' present posting should be maintained.

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H/O.

ALEXANDER THOMAS, JUDGE

ALEXANDER THOMAS, J.

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W.P.(C).No. 14560 of 2015

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Dated this the 15th day of May, 2015

O R D E R

Admit.

Notice to respondents taken by Sri.Babu Joseph Kuruvathazha,
learned Standing Counsel for the Kerala Agricultural University.

In view of the averments regarding the decision taken by the
Executive Committee of the respondent University, there will be
interim stay as prayed for. It is open to the respondents to file their
pleadings and seek modification of the interim order.

List on 23.6.2015.

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H/O.

ALEXANDER THOMAS, JUDGE

ALEXANDER THOMAS, J.

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W.P.(C).No. 14523 of 2015

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Dated this the 15th day of May, 2015

O R D E R

Admit.

Notice to respondents taken by Sri.Babu Joseph Kuruvathazha,
learned Standing Counsel for the Kerala Agricultural University.

In view of the decision in Ext.P-4 taken by the Executive
Committee of the respondent University, there will be interim stay
as prayed for. It is open to the respondents to file their pleadings
and seek modification of the interim order.

List on 23.6.2015.

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H/O.

ALEXANDER THOMAS, JUDGE

ALEXANDER THOMAS, J.

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W.P.(C).No. 14549 of 2015

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Dated this the 15th day of May, 2015

O R D E R

Admit.

G.P. takes notice for respondents 3 and 4. Standing Counsel for KUHS takes notice for respondents 1 and 2.

There will be an interim order directing the respondents, more particularly, respondents 1 to 3, to permit the petitioner to appear for the medical post graduate examination in M.D. Pathology. It is made clear that her answer scrips could be evaluated, but the results thereof should not be published without permission from the court.

List along with W.P.(C).Nos.13923/2015 and 14521/2015 on 29.6.2015 for disposal.

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H/O.

ALEXANDER THOMAS, JUDGE

ALEXANDER THOMAS, J.

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W.P.(C).No. 14521 of 2015

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Dated this the 15th day of May, 2015

ORDER

Admit.

G.P. takes notice for respondents 3 and 4. Standing Counsel for KUHS takes notice for respondents 1 and 2.

There will be an interim order directing the respondents, more particularly, respondents 1 to 3, to permit the petitioner to appear for the medical post graduate examination in M.D. Pathology. It is made clear that her answer scrips could be evaluated, but the results thereof should not be published without permission from the court.

List along with W.P.(C).Nos.13923/2015 and 14549/2015 on 29.6.2015 for disposal.

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H/O.

ALEXANDER THOMAS, JUDGE