

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

WP(C).No. 18183 of 2015 (W)

PETITIONER :

T.JAYAPRASAD, AGED 53 YEARS,
S/O.BHANUVIKRAMAN NAIR, THULASI BHAVANAM,
CHUNAKKARA NADUVILE MURI, CHUNAKKARA VILLAGE,
MAVELIKKARA TALUK.

BY ADV. SRI.A.SHAFAEEK (KAYAMKULAM)

RESPONDENT(S):

1. THE CHUNAKKARA GRAMA PACNCHAYAT,
CHUNAKKARA P.O, ALAPPUZHA DISTRICT - 630 534,
REPRESENTED BY ITS SECRETARY.
2. THE CHUNAKKARA GRAMA PANCHAYAT COMMITTEE,
CHUNAKKARA P.O, ALAPPUZHA DISTRICT - 630 534,
REPRESENTED BY ITS PRESIDENT.
3. THE SECRETARY,
THE CHUNAKKARA GRAMA PACNCHAYAT, CHUNAKKARA P.O,
ALAPPUZHA DISTRICT - 630 534.
4. S. SREEKUMAR, SECRETARY, CHUNAKKARA GRAMA PANCHAYAT,
RESIDING AT SREEDEVI BHAVANM, WARD 2, CHUNAKKARA P.O,
ALAPPUZHA DISTRICT - 630 534.
5. SARASWATHI AMMA, W/O.RAJEEVAN NAIR,
KOYPPALLIL, CHUNAKKARA NADUVELI MURI, CHUNAKKARA P.O,
ALAPPUZHA DISTRICT-630 534.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

sts

WP(C).No. 18183 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE PHOTOCOPY OF THE NOTICE DATED 2/6/2015 ISSUED BY THE 1ST RESPONDENT.**
- P2 - TRUE COPY OF REPLY TO EXT.P1 SUBMITTED BY THE PETITIONER.**
- P3 - TRUE ORDER DATED 9.6.2015 ISSUED BY THE 3RD RESPONDENT.**
- P4 - TRUE PHOTOSTAT COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE COMMITTEE**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18183 of 2015

Dated this the 17th day of June, 2015.

JUDGMENT

Apprehending further action from the respondents to close down the petitioner's farm during the pendency of Ext.P4 appeal, the petitioner has come up before this Court.

2. The petitioner is the owner in possession and enjoyment of 52 cents of property in Sy.No.215/4 and 215/5 of Chunakkara Village of Mavelikkara Taluk. The petitioner alleges that he is conducting a cow farm in the said property. The fifth respondent is a distant relative and neighbour of the petitioner. The family of the fifth respondent is in inimical terms with the petitioner. The fourth respondent, the secretary of the first respondent panchayat is a close relative of the fifth respondent. The fifth respondent is in one way or the other causing problems to the petitioner and his family by submitting false complaint to the statutory authorities; it is alleged. The petitioner further alleges that under influence of

the fifth respondent, the third respondent issued Ext.P1 notice to the petitioner to which the petitioner submitted Ext.P2 explanation. However, without considering Ext.P2 and without hearing the petitioner, the third respondent issued Ext.P3 order to close down the live stock farm alleging violation of Rule 3 of the Kerala Panchayat Raj (Licensing of Live Stock Farms) Rule 2012. Against Ext.P3 order, the petitioner filed Ext.P4 appeal before the panchayat committee. However, the 4th respondent by misusing his official position, is taking hasty steps to close down the farm of the petitioner even before disposal of Ext.P4 appeal; it is alleged.

3. When the matter came up for hearing, the learned counsel confined his argument to the limited prayer for a direction to the respondents to pass an appropriate orders on Ext.P4.

In the light of the said submission, the writ petition can be disposed of even without issuing notice to the respondents. In the result, the writ petition is disposed of directing the

second respondent to consider and pass appropriate orders on Ext.P4 appeal within a period of one month from the date of receipt of a copy of this judgment, after affording the petitioner and the fifth respondent, an opportunity of being heard. Till that exercise is complete, the present state of affairs shall continue.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.