

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C) .No. 24363 of 2015 (U)

PETITIONER(S) :

VELIYAMKODE SREE DHARMA SASTHA TEMPLE TRUST,
REPRESENTED BY ITS SECRETARY, (BABU, S/O RAGHAVAN,
ROADARIKATHUVEEDU VELIYAMKODE), MARANALLOOR,
VELIYAMKODE P.O., KATTAKKADA, THIRUVANANTHAPURAM.

BY ADV. SRI.SAJU.S.A

RESPONDENT(S) :

1. THE SECRETARY,
MARANALLOOR GRAMA PANCHAYATH, KOOVALASSERY P.O.,
THIRUVANANTHAPURAM-695 512.
2. MARANALLOOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KOOVALASSERY P.O.,
THIRUVANANTHAPURAM-695 512.
3. SUB INSPECTOR OF POLICE,
MARANALLOOR POLICE STATION, MARANALLOOR, KATTAKKADA,
THIRUVANANTHAPURAM-695 512.
4. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE R.D.O., CIVIL STATION, KUDAPPANAKKUNNU,
THIRUVANANTHAPURAM-695 005.
5. KRISHNANKUTTY,
REPRESENTED BY ITS SECRETARY, MARANALLOOR,
VELIYAMKODE P.O., KATTAKKADA,
THIRUVANANTHAPURAM-69 5512.

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: PHOTOGRAPHS SHOWING THE PRESENT CONDITION OF BOUNDARY WALL.

EXHIBIT P2: TRUE COPY OF COMPLAINT SUBMITTED BEFORE THE 4TH RESPONDENT.

EXHIBIT P3: TRUE COPY OF REPORT SUBMITTED BY THE VILLAGE OFFICER, MARANALLOOR
BEFORE THE 4TH RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT.

EXHIBIT P5: TRUE COPY OF NOTICE ISSUED BY THE 2ND RESPONDENT DATED 1.6.2015.

EXHIBIT P6: TRUE COPY OF NOTICE ISSUED BY THE 2ND RESPONDENT DATED 15.7.2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.24363 of 2015

Dated this the 11th day of August, 2015.

J U D G M E N T

The petitioner is seeking final orders on Ext.P2 complaint within a time frame.

2. The petitioner is a private Temple Trust. The petitioner alleges that, aggrieved by the illegal construction of 20 feet boundary wall by the 5th respondent on the south western boundary of temple property, the petitioner approached the 2nd and 3rd respondents. The 3rd respondent directed the Village officer to file a report. The village officer filed Ext.P3 report. The 2nd respondent issued notice to the 5th respondent under 235 W of Kerala Panchayat Raj Act. The petitioner alleges that under the influence of 5th respondent, the 2nd respondent has not so far passed any final orders on Ext.P2 complaint. The petitioner also submitted Ext.P4 representation before the 2nd respondent. Since the boundary wall is in a dilapidated condition

endangering human life and as the 2nd respondent has not taken any action on Ext.P2, the petitioner has approached this Court with this writ petition.

3. I have heard the senior Government Pleader and the learned counsel for the respondents.

4. As the learned counsel for the petitioner has confined his arguments to a limited prayer for a direction to the 2nd respondent to consider Ext.P4 representation, this Court is of the view that, this writ petition can be disposed of even without issuing notice to the respondent Panchayat and the 5th respondent. Therefore, the writ petition is disposed of directing the 2nd respondent to consider Ext.P4, within a period of 2 weeks of receipt of copy of this judgment, after affording the petitioner as well as the 5th respondent an opportunity of being heard.

Sd/-
A.V.RAMAKRISHNA PILLAI,
Judge.

ami/

//True copy//

P.A. to Judge