

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 24609 of 2015 (A)

PETITIONER :

**VISWAM KUTHUPAARA,
S/O.K.N.KADUTHA, AGED 51 YEARS,MANAGING TRUSTEE,
AYILYAM KAVU NAGARAJA TRUST,
GURUDEVA LANE - AYILYAM KAVU, KUTHUPAARA, THRIKKAKARA,
ERNAKULAM DISTRICT-682 021,
RESIDING AT KUTHUPAARA HOUSE,
GURUDEVA LANE - AYILYAM KAVU, KUTHUPAARA,
THRIKKAKARA, ERNAKULAM DISTRICT-682 021.**

BY ADV. SMT.ROHINI V.MENON

RESPONDENT :

**THE SECRETARY,
THRIKKAKARA MUNICIPALITY, THRIKKAKARA.P.O.,
KAKKANAD, ERNAKULAM DISTRICT-682 021.**

BY ADV. SRI.S.SHANAVAS KHAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE LETTER DATED 10.08.2015 ISSUED BY THE STATE BANK OF INDIA, PADIVATTOM BRANCH SHOWING THE ADDRESS DETAILS OF THE AYILYAM KAVU NAGARAJA TRUST.
- P2- TRUE COPY OF THE REPRESENTATION DATED 21.06.2015 ADDRESSED TO THE COUNCILOR OF WARD 41 OF THRIKKAKARA MUNICIPALITY.
- P3- TRUE COPY OF THE PROCEEDINGS AT THE WARD GENERAL BODY MEETING OF WARD NO.41 OF THE THRIKKAKARA MUNICIPALITY DATED 21.06.2015 OBTAINED VIDE RIGHT TO INFORMATION ACT, 2005.
- P4- TRUE PHOTOGRAPH OF THE NAME BOARD INSTALLED BY THE RESPONDENT.
- P5- TRUE PHOTOSTAT COPY OF THE MASS PETITION SUBMITTED BY THE PETITIONER ALONG WITH OTHER RESIDENTS TO THE RESPONDENT.
- P6- TRUE PHOTOSTAT COPY OF THE RECEIPT DATED 03.08.2015 ISSUED BY THE RESPONDENT.
- P7- TRUE PHOTOGRAPH OF A HOARDING INSTALLED BY INTERESTED PARTIES AS A PROTEST AGAINST THE ALLEGED CHANGE OF NAME OF THE ROAD.
- P8- TRUE PHOTOSTAT COPY OF THE NEWS ITEM THAT APPEARED IN THE MATHRUBHUMI DAILY NEWSPAPER ON 10.08.2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.24609 of 2015

Dated this the 13th day of August, 2015.

J U D G M E N T

The petitioner is aggrieved by the so called action on the part of the respondent Municipality in renaming a public street.

2. The petitioner is the Managing Trustee of Ayilyam Kavu Nagaraja Trust situated at Gurudeva Lane, Kuthupaara, Thrikkakara, Ernakulam district. Pursuant to Ext.P2 representation submitted by the petitioner, the name 'Ayilyam Kavu' was added to the existing road named 'Gurudeva lane', Ward No.41 of Thrikkakara Municipality leading to the 'Kavu' by virtue of Ext.P3 proceedings unanimously and accordingly Ext.P4 name board displaying the name of the road as 'Gurudeva Lane Ayilyam Kavu' was installed by the respondent. The petitioner submits that this enables the devotees from all parts of the State could

consider it as a landmark and reach the 'Kavu' without any difficulty. According to the petitioner, with ulterior religious and political motives, certain interested parties began to stir the general public in the locality against his action. The petitioner and several other residents of the Gurudeva lane Ayilyam Kavu submitted Ext.P5 representation before the respondent requesting to maintain the name as 'Gurudeva Lane Ayilyam Kavu' and the same is pending consideration. According to him, some interested parties are spreading false propaganda among the public that the name of the road is being changed and it is necessary to protest. Hoardings and protest meetings are being held to topple the peaceful situation among the dwellers of the area and the petitioner understands that they are now pressurizing the respondent to remove the name 'Ayilyam Kavu' and reverse/rename the road as 'Gurudeva lane'. Ext.P5 petition submitted by the petitioner

and other residents of the Gurudeva Lane Ayilyam Kavu road is pending consideration of the respondent and the petitioner has come to know that the respondent is taking hasty steps to adhere to the demand of the interested parties without hearing the petitioner. Being aggrieved, the petitioner has approached this Court seeking a direction to the respondent to consider Ext.P5 in tune with Ext.P3 and to declare that the decision taken as per Ext.P3 is proper.

3. I have heard the learned counsel for the petitioner and the learned Standing counsel for the respondent.

4. It appears from records that Ext.P5 representation is pending before the respondent Municipality.

Considering the nature of submissions made and the relief sought for, this writ petition is disposed of directing the respondent to consider Ext.P5 representation, after affording the petitioner and the affected parties, if any, an

opportunity of being heard, within one month of receipt of copy of this judgment. Till that exercise is completed, the present name of the street shall remain.

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

ami/

//True copy//

P.A. to Judge