

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

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

WP(C).No. 24668 of 2015 (S)

PETITIONERS :-

SIYAD V.A., PRESIDENT
ALL INDIA YOUTH FEDERATION TOWN BRANCH COMMITTEE
ACHYUTHAMENON MEMORIAL BUILDING
NEAR KAROTHUKUZY HOSPITAL, ALUVA - 683 101.

BY ADVS.SRI.S.GOPAKUMAR
SMT.T.M.BINITHA

RESPONDENTS :-

1. STATE OF KERALA
REP BY SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE ALUVA MUNICIPALITY
REP BY SECRETARY, MUNICIPAL OFFICE, ALUVA
PIN - 683 101.
3. THE SECRETARY
THE ALUVA MUNICIPALITY, MUNICIPAL OFFICE, ALUVA
PIN - 683 101.

R1 BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL
R2 & R3 BY SRI.V.M.KURIAN

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

jvt

WP(C) .No. 24668 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1:-TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
DTD 12/2/2015.

EXT.P1 (A) :-TRUE ENGLISH TRANSLATION OF EXT P1.

EXT.P2:-TRUE COPY OF THE REPLY DTD 19/2/2015 ISSUED BY THE 3RD
RESPONDENT AGAINST EXT P1.

EXT.P2 (A) :-TRUE ENGLISH TRANSLATION OF EXT P2.

EXT.P3:-TRUE COPY OF THE NOTICE ISSUED BY THE PETITIONER TO 3RD
RESPONDENT.

EXT.P3 (A) :-TRUE ENGLISH TRANSLATION OF EXT P3.

EXT.P4:-TRUE COPY OF THE REPLY NOTICE ISSUED BY THE 3RD
RESPONDENT DTD 28/2/2015.

EXT.P4 (A) :-TRUE ENGLISH TRANSLATION OF EXT P4.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.24668 of 2015

Dated this the 13th day of August 2015

J U D G M E N T

Shaffique, J.

The petitioner has filed this writ petition in the form of public interest litigation seeking for the following reliefs :-

- “i. To call for the records leading to the issuance of Ext.P4 order passed by the 3rd respondent, examine its legality, propriety and quash the same by issuing a writ of certiorari.
- ii. To issue a writ of mandamus and command the 3rd respondent to cancel the decision not to grant the Municipal Recreation Ground other than for Football and open the same to public.”

The petitioner submits that respondents 2 and 3 are not allotting the Municipal Recreation Ground, Aluva for any other sports activity other than football. The petitioner submits that respondents 2 and 3 have no such right to prevent any such sporting activity in the Municipal Recreation Ground. Apparently, the decision to allot the stadium for football or any other sports item is purely within the realm of the jurisdiction of Municipality. Since the Municipality has taken a conscious decision to utilise the particular stadium for football alone, we do not think that the writ jurisdiction can be invoked, that too, for setting aside a particular

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-: 2 :-

decision taken by the competent authority. If the petitioner is aggrieved by such a decision, it is for him or any other person interested to approach the Municipality and seek for variation/modification of such decision. We do not think that such issue can be decided by this Court.

Accordingly, this writ petition is dismissed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**

Jvt