

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 29019 of 2014 (B)

PETITIONER:

**SONY VARGHESE, AGED 47 YEARS
S/O. VARGHESE, MELATTU HOUSE, IDUKKI COLONY P.O.
THANNIKANDAM, IDUKKI VILLAGE, IDUKKI TALUK
IDUKKI DISTRICT, PIN-685 602.**

BY ADV. SRI.VARGHESE C.KURIAKOSE

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF LOCAL SELF GOVERNMENT INSTITUTIONS
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE VAZHATHOPPU GRAMA PANCHAYAT
GRAMA PANCHAYAT OFFICE, THADIYAMPADU P.O., VAZHATHOPU
IDUKKI DISTRICT-685 602, REP.BY ITS SECRETARY.**
- 3. THE PANCHAYAT COMMITTEE
VAZHATHOPU PANCHAYAT, PANCHAYAT OFFICE
THADIYAMPADU P.O., VAZHATHOPU, IDUKKI DISTRICT-685 602
REP.BY ITS PRESIDENT.**
- 4. THE SECRETARY
THE VAZHATHOPPU GRAMA PANCHAYAT
GRAMA PANCHAYAT OFFICE, THADIYAMPADU P.O., VAZHATHOPU
IDUKKI DISTRICT-685 602.**
- 5. MR. TONY GEORGE
WORKING GROUP CHAIRMAN
(STANDING COMMITTEE CHAIRMAN)
FOR DRINKING WATER AND SANITATION
VAZHATHOPPU GRAMA PANCHAYAT
IDUKKI DISTRICT-685 602.**
- 6. BIJU SCARIA, AGED 48 YEARS
S/O. SCARIA, THADATHIL HOUSE, IDUKKI COLONY P.O.
THANNIKANDAM, IDUKKI VILLAGE, IDUKKI TALUK
IDUKKI DISTRICT-685 602.**

**R1 BY SR. GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN
R2 TO R4 BY ADV. SRI.RAJU SEBASTIAN VADAKKEKARA
R6 BY ADV.SRI.S.KRISHNA KUMAR (MANGALAM)**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE RESOLUTION NO.1(2) DTD.15.7.2011.**
- P2 : COPY OF TENDER NOTIFICATION APPEARING IN MALAYALA MANORAMA DAILY DTD.9.8.2011.**
- P3 : COPY OF TENDER FORM SUBMITTED BY THE 5TH RESPONDENT.**
- P4 : COPY OF REQUEST DTD.8.10.2014.**
- P5 : COPY OF ACKNOWLEDGMENT CARD SIGNED BY THE 4TH RESPONDENT DTD.9.10.2014.**
- P6(a) - P6(d): COPY OF APPLICATIONS PREFERRED BY OTHER INDIVIDUALS TO THE 4TH RESPONDENT.**
- P7 : COPY OF REPLY DTD.16.10.2014 BY THE 4TH RESPONDENT.**
- P8(a) - P8(d) : COPY OF NEWS ITEM APPEARING IN THE DAILIES.**

RESPONDENT(S)' EXHIBITS:-

- R4(a): COPY OF THE DECISION OF THE PANCHAYATH COMMITTEE DATED 02.09.2011**
- R4(b): TRUE TRANSLATION OF EXHIBIT R4(a)**
- R4(c): COPY OF THE AGREEMENT DATED 07.09.2011**
- R4(d): TRUE TRANSLATION OF EXHIBIT R4(c)**
- R4(e): COPY OF AGREEMENT DATED 19.9.2012 EXECUTED BY THE 6TH RESPONDENT**
- R4(f): TRUE TRANSLATION OF EXHIBIT R4(e)**
- R4(g): COPY OF THE AGREEMENT DATED 13.11.2013 EXECUTED BY THE 6TH RESPONDENT**
- R4(h): TRUE TRANSLATION OF EXHIBIT R4(g)**
- R4(i): COPY OF THE MINUTES OF THE PANCHAYATH COMMITTEE DATED 05.09.2014**
- R4(j): TRUR TRANSLATION OF EXHIBIT R4(i)**
- R4(k): COPY OF THE AGREEMENT DATED 5.9.2014 EXECUTED BY THE 6TH RESPONDENT**

WP(C).No. 29019 of 2014 (B)

R4(l): TRUE TRANSLATION OF EXT. R4(k)

**R4(m): TRUE COPY OF THE ORDER IN ORIGINAL PETITION NO. 303/2012 OF THE
OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTION,
THIRUVANANTHAPURAM DATED 28.09.2013**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 29019 OF 2014

Dated this the 10th day of September, 2015

JUDGMENT

The period in favour of the sixth respondent has already come to an end by 05.09.2015. The submission to this effect made by his counsel is hereby recorded.

2. The waste disposal has however to continue as before. The second, third and fourth respondents shall forthwith take steps to auction that right.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS