

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 28967 of 2015 (U)

PETITIONER:

1. **K.P.VIJAYAN, AGED 52 YEARS
S/O. KRISHNAN, KUNNUMPURATH (H)
PROPPAYIL P.O.
VIA CHERUPUZHA, KANNUR DISTRICT - 670 511
PRESIDENT, SREE DHARMASASTHRA TEMPLE
MULAPPRA, PROPPAYIL P.O., 670 511**
2. **KODAKKAL MOHANAN
S/O. KRISHNAN NAIR, KODAKKAL HOUSE
MULAPPRA, PROPPAYIL P.O.
VIA CHERUPUZHA, KANNUR DISTRICT - 670 511
PRESIDENT, KAKKARA KAVU BHAGAVATHI TEMPLE
MULAPPRA, PROPPAYIL P.O., - 670 511**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

1. **STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
DEPARTMENT OF LOCAL SELF GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001**
2. **DISTRICT COLLECTOR,
COLLECTORATE,
KANNUR - 670 001**
3. **THE DEPUTY COLLECTOR
COLLECTORATE
KANNUR - 670 001**
4. **DISTRICT MEDICAL OFFICER,
KANNUR - 670 001**
5. **CHIEF ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
PAYYANNUR - 670 307**

DCS

WP(C).No. 28967 of 2015 (U)

**6. CHERUPUZHA GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY
CHERUPUZHA GRAMA PANCHAYAT
KANNUR DISTRICT.**

**7. FR. XAVIOUR PUTHAN PURAKKAL
S/O. JACOB, AGED 35 YEARS
VICAR, ST. ALPHONSE CHURCH
MULAPPRA, PROPPAYIL P.O.
KANNUR - 670 511**

**R1 TO R4 BY GOVERNMENT PLEADER SRI. K.C. VINCENT
R5 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL
BOARD**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE ORDER DATED 9.9.2015 AND COVERING LETTER DATED 17.09.2015**
- P2 : COPY OF THE AGREEMENT DATED 03.07.2015 BETWEEN THE RESPONDENT NO. 1 AND SRI. GOPINATH**
- P3 : COPY OF THE ORDER DATED 26.08.2014**
- P4 : COPY OF THE REPRESENTATION DATED 9.9.2015 SUBMITTED BY THE 1ST PETITIONER**
- P5 : COPY OF THE REPRESENTATION DATED 9.9.2015 SUBMITTED BY THE 2ND PETITIONER**
- P6: COPY OF THE APPEAL MEMORANDUM DATED 22.09.2015 FILED BEFORE THE 1ST RESPONDENT**
- P7: COPY OF THE LETTER DATED 15.10.2012 BY THE SECRETARY OF THE PANCHAYAT TO THE SECOND RESPONDENT**
- P8: COPY OF THE REPRESENTATION DATED 04.09.2015**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 28967 OF 2015

Dated this the 23rd day of September, 2015

JUDGMENT

The petitioners have filed Ext. P6 appeal against Ext.P1 order as regards the use of land as burial ground. The appeal has been filed under the Kerala Panchayat Raj (Burial and Burning) Rules, 1998.

2. I direct the first respondent to consider Ext. P6 appeal with notice to the petitioners as well as respondents 5 to 7. The needful shall be done within a period of two months from the date of receipt of a copy of this judgment.

3. It is only proper that Ext. P1 order impugned in Ext. P6 appeal is not enforced during the pendency of the statutory appeal.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS