

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 29997 of 2015 (Y)

PETITIONER(S):

1. DEEPU U.N., PAMBIN KAVIL HOUSE, PUTHURUTHY,
MUNDATHIKODE GRAMA PANCHAYATH, TRISSUR DISTRICT.
2. SILVY T.S., CHITTATUKARA, MUNDATHIKODE,
MUNDATHILODE GRAMA PANCHAYATH,
THRISSUR DISTRICT.
3. SREEDEVI P.G., MUDATHOLY, PERINGANDOOR,
MUNDATHIKODE GRAMA PANCHAYATH, THRISSUR DISTRICT.
4. GEETHA J.J., THAZHAKONATH, AMBALAPURAM,
MUNDATHIKODE GRAMA PANCHAYATH, THRISSUR DISTRICT.
5. CHANDRIKA E.U., VELLATHIRUTHY, THIRUTHIPARAMBU,
MUNDATHIKODE GRAMA PANCHAYATH, THRISSUR DISTRICT.
6. MARY T.D., KIDANGAL, MUNDATHIKODE,
MUNDATHIKODE GRAMA PANCHAYATH,
THRISSUR DISTRICT.
7. VASANTHY C.R., CHITTAZHICKARA, PUTHURUTHY,
MUNDATHIKODE GRAMA PANCHAYATH, THRISSUR DISTRICT.

**BY ADVS.SRI.LINDONS C.DAVIS
SMT.E.U.DHANYA**

RESPONDENT(S):

1. STATE OF KERALA, RESPRESENTED BY ITS SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. KUDUMBASHREE STATE MISSION, 2ND FLOOR,
TRIDA REHABILITATION BUILDING,
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM-695 011,
REPRESENTED BY ITS DIRECTOR.

Msv/

WP(C).No. 29997 of 2015 (Y)

3. DISTRICT MISSION CO-ORDINATOR-KUDUMBASHREE,
COLLECTORATE,
AYYANTHOLE, THRISSUR-680 003.
4. CHAIRPERSON, KUDUMBASHREE, CDS,
MUNDATHIKODE GRAMA PANCHAYATH,
MUNDATHIKODE GRAMA PANCHAYATH OFFICE,
THIRIRUTHIPRAMBU P.O., THRISSUR DISTRICT-680 623.
5. CHEST HOSPITAL,
MEDICAL COLLEGE MULANKUNNATHUKAVU, THRISSUR,
REPRESENTED BY ITS SUPERINTENDENT-680 581.
6. ANNAPOORNA ACTIVITY GROUP (KUDUMBASHREE),
REPRESENTED ITS GROUP LEADER,
MULANKUNATHUKAVU GRAMA PANCHAYATH OFFICE,
MULANKUNATHUKAVU, THRISSUR, PIN-680 581.

R4 BY ADVS. SRI.P.RADHAKRISHNAN

SRI.MADHU RADHAKRISHNAN

R6 BY ADV. SRI.M.D.JOSEPH

R1, R2 & R5 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE GROUP MEMBER DETAILS.

EXT.P2: TRUE COPY OF THE INVESTMENT SANCTION DETAILS.

EXT.P3: TRUE COPY OF THE BILL DATED 19.02.2014 PURCHASING THE VESSELS AND FURNISHING.

EXT.P4: TRUE COPY OF THE DRAFT WORKING REPORT.

EXT.P5: TRUE COPY AGREEMENT WITH 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS:

EXT.R4(1): TRUE COPY OF THE AGREEMENT ENTERED INTO BY THE UNITS RUNNING THE CAFE KUDUMBASHREE WITH THE 3RD RESPONDENT DTD.1.9.2015.

EXT.R4(2): TRUE COPY OF THE MINUTES WITH RESPECT TO THE MEETING HELD BY THE 3RD RESPONDENT ALONG WITH THE PETITIONERS AND OTHERS DTD.7.3.2015.

EXT.R4(3): TRUE COPY OF THE AUDIT REPORT SUBMITTED BY KAASS FOR THE PERIOD 2014-15 DTD.20.4.2015.

EXT.R4(4): TRUE COPY OF REPORT SUBMITTED BY ME TO THE 3RD RESPONDENT.

EXT.R4(5): TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 18.9.2015.

EXT.R4(6): TRUE COPY OF THE ORDER PASSED BY THE 3RD RESPONDENT DTD.19.9.2015.

EXT.R4(7): TRUE COPY OF THE COMMUNICATION ORDER DTD.29.9.2015 ISSUED BY THE 4TH RESPONDENT.

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

=====

W.P.(C).No. 29997 of 2015

=====

Dated this the 16th day of December, 2015

J U D G M E N T

The petitioners are the Investment group members of Kudumbashree unit with name “Swad”. There is another Kudumbasree group named “Annapoorna”. The 6th respondent is that unit. The 4th respondent, CDS has been awarded initially a contract to run a canteen at Chest Hospital, Mulankunathukavu. The 4th respondent engaged the petitioners as well as the 6th respondent to run the canteen under them. The dispute arose on account of conduct of canteen. It appears that the 4th respondent attempted to stream line financial discipline in the canteen by taking some measures and after collecting certain report. The petitioner apprehends their termination, by the 4th respondent; accordingly approached this Court. This Court had granted order of status quo. The learned counsel for the 4th respondent would submit that on account of status quo order

they are not able to take further steps in this matter. Therefore the interim order has to be vacated.

This Court is of the view that the writ petition itself can be disposed for the simple reason that admittedly the 4th respondent CDS has the right to conduct the canteen. So it is for them to take a decision in the matter after adverting to the interest of all concerned including the interest of the awarder of the contract. It is for them to stream line the conduct of canteen in accordance with bye-law. Therefore, it is not proper for this Court to interfere with any action being initiated against the 4th respondent. However, all endeavours shall be made by the respondents to see that the issues are sorted out within the scheme of bye-law and giving opportunity to ventilate the grievances of the petitioners. Therefore the writ petition is disposed of with a liberty to take action in accordance with the law.

Sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE