

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 30636 of 2015 (D)

PETITIONER(S):

**BEEPATHU, AGED 40 YEARS,
W/O. MEETHALTHAYAL ABDU RAHIMAN,
RESIDING AT R.P NO. 12/311, NEAR THAQUA MASJID,
ETTIKULAM P.O., VIA RAMANTHALI, KANNUR - 670 308.**

**BY ADVS.SRI.V.V.SURENDRAN,
SRI.P.A.HARISH.**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, KANNUR - 670 001.**
- 2. THE TAHSILDAR, TALUK OFFICE,
THALIPARAMBA - 670 141.**
- 3. THE SECRETARY,
RAMANTHALI GRAMA PANCHAYATH,
P.O. RAMANTHALI, KANNUR - 670 308.**
- 4. THE DEPUTY DIRECTOR OF PANCHAYATH,
KANNUR - 670 002.**
- 5. THE SECRETARY,
THAQUA MASJID & THAQUA MASJID,
MARKAZU DA-AWATHU SUNNIYA, ETTIKULAM P.O.,
VIA-RAMANTHALI, KANNUR - 670 308.**

R1, R2 & R4 BY GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 - A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER SIGNED ON BEHALF OF HER HUSBAND.
- P2 - A TRUE COPY OF THE REPRESENTATION OF THE PETITIONER TO THE VILLAGE OFFICER WHO HAD ENQUIRED INTO THE MATTER PURSUANT TO THE DIRECTION BY THE 2ND RESPONDENT TAHSILDAR.
- P3 - A TRUE COPY OF THE LETTER DATED 18.01.2015 MADE THIS REPORT TO THE SUB COLLECTOR.
- P4 - A TRUE COPY OF THE COMPLAINT DATED 28.01.2015.
- P4A - A TRUE COPY OF THE FORWARDING LETTER DATED 02.02.2015.
- P5 - A TRUE COPY OF THE REPRESENTATION DATED 04.02.2015.
- P6 - A TRUE COPY OF THE COMMUNICATION ISSUED BY THE 4TH RESPONDENT TO THE 3RD RESPONDENT DATED 01.08.2015.
- P7 - A TRUE COPY OF THE REPRESENTATION TO THE 1ST RESPONDENT HIGHLIGHTING THE COMPLAINT DATED 30.07.2015.
- P8 - A TRUE COPY OF THE COMPLAINT SENT BY THE PETITIONER TO THE DISTRICT TOWN PLANNER, KANNUR.
- P9 - A TRUE COPY OF THE COMPLAINT OF THE PETITIONER TO THE DISTRICT PANCHAYATH.
- P10 - A TRUE COPY OF THE COMMUNICATION.
- P11 - A TRUE COPY OF THE PROCEEDINGS DATED 01.04.2015 OF THE 1ST RESPONDENT PERMITTING CONSTRUCTION OF THE ABOVE CONSTRUCTION OBTAINED BY THE PETITIONER UNDER RIGHT TO INFORMATION ACT.
- P12 - A TRUE COPY OF THE COMPLAINT OF THE PETITIONER SENT TO THE 1ST RESPONDENT DISTRICT COLLECTOR DATED 24.08.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.30636 of 2015

Dated this the 8th day of October, 2015

JUDGMENT

The petitioner is a resident of Ramanthali Village in Kannur District. She alleges that the fifth respondent is attempting to establish 'Makkam' as the place of worship. The petitioner points out that Ext.P11 order issued by the District Collector. She submits that the District Collector has only given a permission for construction of Madrassa and the School and not 'Makkam'.

2. This Court is of the view that the District Collector shall enquire into whether any other place of worship is being established by the fifth respondent in violation of Ext.P11. If the fifth respondent establishes any other place of worship in violation of Ext.P11, appropriate action shall be taken to restrain the 5th respondent from undertaking such place of worship in violation of Ext.P11 order. However, if the fifth respondent is undertaking establishment of place of worship in consonance with Ext.P11, this direction would not apply and the District Collector need not take any action.

Therefore, after conducting such enquiry, appropriate decision shall be taken in this matter by the District Collector. The petitioner and the fifth respondent shall be heard in this matter before taking further decision. Needful shall be done within one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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