

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 32729 of 2015 (M)

PETITIONER :

**APS VALAPATTANAM
REG.NO.S 191/2012, STATION ROAD, VALAPATTANAM
PIN-670 010, REPRESENTED BY ITS SECRETARY.**

**BY ADVS.SRI.P.U.SHAILAJAN
SMT.D.N.NISHANI**

RESPONDENT(S) :

**1. THE VALAPATTANAM GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, P.O.VALAPATTANAM
KANNUR DISTRICT, PIN-670 010.**

**2. THE SECRETARY
VALAPATTANAM GRAMA PANCHAYATH,
P.O.VALAPATTANAM, KANNUR DISTRICT
PIN-670 010.**

**3. THE SECRETARY
TOWN SPORTS CLUB,
VALAPATTANAM, STATION ROAD
P.O.VALAPATTANAM, KANNUR DISTRICT
PIN-670 010.**

**R1 & R2 BY ADV. SRI.V.R.KESAVA KAIMAL
R3 BY ADVS. SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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WP(C).No. 32729 of 2015 (M)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 : COPY OF THE APPLICATION DTD.16.4.2015 SUBMITTED BY
 PETITIONER TO THE 2ND RESPONDENT.**
- EXT. P2 : COPY OF THE REPLY DTD.21.5.2015 ISSUED BY THE 2ND
 RESPONDENT.**
- EXT. P3 : COPY OF THE APPLICATION DTD.4.9.2015 SUBMITTED BY THE
 PETITIONER TO THE 2ND RESPONDENT.**
- EXT. P4 : COPY OF THE REPLY LETTER DTD.28.9.2015 ISSUED BY 2ND
 RESPONDENT.**
- EXT. P5 : COPY OF THE APPLICATION SUBMITTED AS PER THE RIGHT
 INFORMATION ACT DATED 4.9.2015 GIVEN TO THE 2ND RESPONDENT.**
- EXT. P6 : COPY OF THE REPLY DATED 23.9.2015 GIVEN BY 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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K. HARILAL, J.

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W.P. (C) No. 32729 of 2015

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Dated this the 2nd day of December, 2015

J U D G M E N T

The petitioner is a Sports Club with registration No.191/2012 and the petitioner is conducting the All Kerala Sevens Football Tournament at Valapattanam Panchayath Stadium for the last five years. This year also the petitioner decided to conduct All India Sevens Football Tournament at Valapattanam Panchayath Stadium from 10th December, 2015 to 15th January, 2016. Hence, the petitioner submitted Ext.P1 application, before the 2nd respondent for granting the Stadium for the above said purpose. But, it was rejected as per Ext.P2, by stating that tenure of the present committee will expire in October, 2015 and only new committee can decide the matter. Later, the 3rd respondent also submitted an application, for Stadium to conduct another tournament. On knowing about this, the

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petitioner again submitted an application for grant of stadium from 10th December, 2015 to 15th January, 2016. Thereafter, by Ext.P4 order, the Stadium was granted to the petitioner from 1st December, 2015 to 31st December, 2015 and from 1st January, 2016 to March second week the Stadium was granted to the 3rd respondent. Thus the ground can be used for petitioner's football tournament from second week of December only, as the same was decided much earlier. Practically the petitioner cannot conduct tournament within the time granted by the respondent. According to the petitioner, decision to grant the Stadium to the 3rd respondent by overlooking the priority of the petitioner would amount to arbitrariness and vitiated by *mala fides*. The *mala fide* intention is not to allow the petitioner to conduct the tournament. Hence, the petitioner prayed for issuing a writ of mandamus or order, directing respondents 1 and 2 to produce the

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entire records leading to Ext.P4 and to quash the same and also to issue a direction to the 1st respondent to grant the Stadium to the petitioner from 10th December, 2015 to 15th January, 2016 to conduct All India Sevens Football Tournament.

2. Heard the learned counsel for the petitioner and 3rd respondent and the learned Standing Counsel appearing for the Panchayath.

3. It is the case of the petitioner that the Stadium was allotted to the 3rd respondent by overlooking the propriety of the petitioner, as the petitioner had already applied for the Stadium, for the period from 10th December, 2015 to 15th January, 2016. What is discernible from the impugned order under challenge is that the 3rd respondent also filed an application, seeking grant of the said Stadium, for conducting another football tournament from 1st January, 2016 to 15th March, 2016.

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4. Going by Ext.P4, it is seen that even though, earlier the application was kept in abeyance, for the reason that the tenure of the Panchayath Committee would expire on 31st October, 2015, subsequently, it was taken for consideration on the reason that the period of the Panchayath was extended by the Government and in that circumstance, the Panchayath decided to consider both applications and allotted the stadium to the petitioner, for the period from 1st December, 2015 to 15th December, 2015 and to the 3rd respondent for the period from 1st January, 2016 to 15th March, 2016. In the impugned order itself, it is specifically stated that the above decision was taken considering the grievance of both parties equally. According to this Court, the decision taken by the Panchayath is justifiable in view of the circumstances. I do not find any kind of *mala fides* or arbitrariness. In the absence of any kind of *mala fides* or any circumstance from which the *mala fide* intention

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can be drawn, this Court is not inclined to interfere with the decision taken by the Panchayath. The order specifically says that the period was allotted to both parties with an intent to maintain equity and interest of both parties. Under Article 226 of the Constitution of India, this Court cannot interfere with the decision, but can interfere with the manner in which the decision was taken only.

In the above circumstances, this Court declines the jurisdiction and this Writ Petition will stand dismissed.

Sd/-

**K. HARILAL,
JUDGE**

DST

//True copy//

P.A. To Judge