

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C).No. 33077 of 2015 (S)

PETITIONER(S) :-

1. PAUL JOSEPH, AGED 45 YEARS
S/O. JOSEPH, KUROOR PUTHENPURAKKAL HOUSE, THALAPPANA
VETTIKKAL P.O., MULANTHURUTHY, ERNAKULAM - 682 314.
2. BIJU THAMPY, AGED 40,
S/O. THAMPY, ELAYIDATHU HOUSE, THALAPPANA
VETTIKKAL P.O., MULANTHURUTHY, ERNAKULAM - 682 314.

BY ADVS.SMT. V.K.HEMA
SMT.SITHARA SHAMSUDHEEN

RESPONDENT(S) :-

1. MULANTHURUTHY GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, MULANTHURUTHY
ERNAKULAM - 682 314.
2. K.K. BABY, AGED 52 YEARS,
S/O. KURIAKOSE, KARIKKETH HOUSE, THALACODE P.O.
MULANTHURUTHY - 682 314.
3. CHACKO,
S/O. OUSEPH, CHOORAKULANGARA HOUSE, THALACODE P.O.
MULANTHURUTHY - 682 314, ERNAKULAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 30-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 :- COPY OF REPRESENTATION DTD.3.7.2015 SUBMITTED BEFORE THE 1ST RESPONDENT.

EXT.P1(a) :- TRUE ENGLISH TRANSLATION OF EXT.P1 REPRESENTATION.

EXT.P2 :- COPY OF REPLY DTD.6.7.2015 ISSUED BY THE 1ST RESPONDENT IN REPLY TO EXT.P1 REPRESENTATION.

EXT.P2(a) :- TRUE ENGLISH TRANSLATION OF REPLY DTD.6.7.2015.

EXT.P3 :- COPY OF THE CERTIFICATE OF THE ASSISTANT ENGINEER DTD.24.10.2011.

EXT.P4 :- COPY OF THE REPORT OF THE ASSISTANT ENGINEER DTD.27.6.2015.

EXT.P4(a) :- TRUE ENGLISH TRANSLATION REPORT OF THE ASSISTANT ENGINEER DTD.27.6.2015.

EXT.P5 :- COPY OF THE REPORT OF THE MEDICAL OFFICER, GOVERNMENT HOSPITAL ARAKKUNNAM.

EXT.P5(a) :- TRUE ENGLISH TRANSLATION OF THE REPORT OF THE MEDICAL OFFICER, GOVERNMENT HOSPITAL ARAKKUNNAM.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

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Dated this the 30th day of October 2015

J U D G M E N T

Shaffique, J.

This writ petition has been filed in the form of a public interest litigation seeking for the following reliefs :-

- “(i) To issue a writ of mandamus directing the 1st respondent to take steps to demolish the dilapidated and dangerous building of the 2nd respondent bearing No.V/575 of Mulanthuruthy Panchayath in Thuppampady junction as expeditiously as possible and within a time frame as fixed by this Hon'ble Court. In the event of the 2nd respondent refusing to demolish, the same may be done by the 1st respondent and to realize the cost thereof from the 2nd respondent.
- (ii) To direct the 2nd respondent to stop the business carried on in the building No.V/575 of Mulanthuruthy Panchayat forthwith to enable the demolition thereof.”

It is alleged that the building bearing No.V/575 of Mulanthuruthy Panchayat is in a dilapidated condition and no action is being taken by the Panchayat despite complaints given by the people in the locality. Ext.P1 is one such complaint.

2. Having regard to the nature of contentions urged in the writ petition, we do not think that this writ petition can be entertained as a public interest litigation. However, we permit the petitioners to approach the Panchayat with a request to take

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-: 2 :-

necessary action in accordance with the provisions of the Kerala Panchayat Raj Act, 1994 and thereafter, it shall be open for the first respondent to take appropriate action in accordance with law after notice to the affected parties.

With the above observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

Jvt/3.11.2015