

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 34719 of 2014 (L)

PETITIONER(S):

**MUHAMMED MUSTHAFFA, AGED 43 YEARS,
S/O ABDUL RASAK, PUTHENKKOTT HOUSE,
KARKKIDAMKUNNU P.O., MANNARKKAD TALUK,
PALAKKAD-678 601.**

**BY ADVS.SRI.SANTHEEP ANKARATH
SRI.ARUN MATHEW VADAKKAN**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
CIVIL STATION, PALAKKAD-678 001.**
- 2. ALANALLUR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, ALANALLUR, MANNARKKAD,
PALAKKAD DISTRICT-678 601.**
- 3. SUB INSPECTOR OF POLICE,
NATTUKAL POLICE STATION, NATTUKAL-678 554,
PALAKKAD DISTRICT.**
- 4. RAMANUNNI NAIR,
S/O SANKARAN EMBRANTHIRI, PULLAYIL KALATHIL HOUSE
POST VETTATHUR-679326, MALAPPURAM DISTRICT.**
- 5. PARAMESWARAN,
S/O PARANGODAN, KOTTAYIL HOUSE,
KARKKIDAMKUNNU P.O.- 678 601, PALAKKAD DISTRICT.**
- 6. NARAYANANKUTTY @ APPU,
S/O MADHAVAN NAIR, KARUTH POOKKATT HOUSE,
KARKKIDAMKUNNU P.O.- 678 601, PALAKKAD DISTRICT.**
- 7. RATHEESH, S/O.CHOZHI,
KOTTAYIL HOUSE, KARKKIDAMKUNNU P.O. - 678 601,
PALAKKAD DISTRICT.**

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8. KRISHNAKUMAR, S/O.KUTTAN NAIR,
PAROL HOUSE, KARKKIDAMKUNNU P.O. - 678 601,
PALAKKAD DISTRICT.

9. MADHAVAN, S/O.KUNHIMALU,
NIKHIL TAILORS, UNNIAL,
KARKKIDAMKUNNU P.O. - 678 601,
PALAKKAD DISTRICT.

R1 & R3 BY GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN
R2 BY ADV. SRI.P.JAYARAM
R5-R9 BY ADV. SRI.VINOD KUMAR C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-03-2015, ALONG WITH WPC. 4695/2015, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

msv/

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APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF PETITION DATED 17.12.2014 SUBMITTED BY THE
PETITIONER AND OTHER RESIDENTS BEFORE THE 1ST RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF PETITION DATED 17.12.2014 SUBMITTED BY THE
PETITIONER AND OTHER RESIDENTS BEFORE THE 2ND RESPONDENT
AND ITS ACKNOWLEDGMENT RECEIPT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)Nos.34719 OF 2014

**&
4695 OF 2015**

.....
Dated this the 9th March, 2015

J U D G M E N T

The petitioner in W.P.(C)No.34719 of 2014, being aggrieved of the attempt of respondents 5 to 9 to start a temple in the property of the 4th respondent/Ramanunni Nair, joined hands with the residents of the locality and approached the first respondent/ District Collector and also the second respondent/Local Authority by filing Exts.P1 and P2 representations. Since no action was taken on Exts.P1 and P2, the said writ petition came to be filed . When the matter came up for consideration on 19.12.2014, the following interim order was passed:

"Govt. Pleader takes notice for R1 and R3. Urgent notice by Speed Post to R2 and R4 to R9.

If any place of worship is being constructed by the respondents 4 to 9 without obtaining permission from the District Collector, District Collector shall ensure that no place of worship is established by respondents 4 to 9."

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2. Pursuant to the above order, Ext.P2 stop memo was issued by the RDO (the second respondent in W.P.(C) 4675 of 2015). Being aggrieved of the said order, the 5th respondent in W.P.(C)No.34719 of 2014 moved this Court by filing W.P.(C) No.4695 of 2015, wherein the petitioner in W.P.(C) 34719 of 2014 has been impleaded as Addl. 4th respondent (as per order in I.A.No. 3571 of 2015). The petitioner(in W.P(C) 4695 of 2015) along with residents of the locality has filed Ext.P3 statement of objection to Ext.P2 stop memo.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, this Court finds that the situation can be remedied by directing the District Collector to consider and pass appropriate orders on Ext.P1 (in W.P.(C) No.34719 of 2014). Accordingly, the first respondent/ District Collector is directed to consider and pass appropriate orders on Ext.P1, also taking note of Ext.P3 statement of objection, at the earliest, at any rate within one month from the date of receipt of a copy of this judgment, of course after affording an opportunity of hearing to the petitioners and respondents 6 to 9 in W.P.(C) No.34719 of 2014 and also other interested parties , if any.

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'Status quo' shall be maintained till a decision is taken by the District Collector.

Both the writ petitions are disposed of. The petitioners shall produce a copy of this judgment along with copies of the writ petitions before the District Collector for further steps.

**P.R.RAMACHANDRA MENON
JUDGE**

/k