

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 34951 of 2014 (T)

PETITIONER(S):

1. KOTTIYAM JANAKEYYA SAMITHI,
KOTTIYAM, KOLLAM DISTRICT, REPRESENTED BY ITS CHAIRMAN
KOTTIYAM SUNILKUMAR, SREEJA NIVAS, THAZHUTHALA
KOTTIYAM P.O., KOLLAM.
2. NIZAM J.,
S/O.A.JALALUDEEN, AIZHA MANZIL, KOTTIYAM P.O.,
KOLLAM DISTRICT.
3. ABDUL SALAM M.,
S/O.K.MOITHEEN KUNJU, NEAR NSS COLLEGE, KAMBIVILA,
KOTTIYAM P.O., KOLLAM.

BY ADVS.SRI.M.R.ANISON
SMT.K.P.GEETHA MANI
SMT.P.A.RINUSA

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE DIRECTOR OF PANCHAYATS,
PUBLIC OFFICE BUILDINGS, MUSEUM P.O.,
THIRUVANANTHAPURAM-695 001.
3. THE DEPUTY DIRECTOR OF PANCHAYATS,
OFFICE OF THE DEPUTY DIRECTOR OF PANCHAYATS,
CIVIL STATION, KACHERI P.O., KOLLAM-691 013.

BY SENIOR GOVERNMENT PLEADER SRI.JOE KALLIATH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 34951 of 2014 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. TRUE COPY OF THE NOTIFICATION DATED 11/11/2014 ISSUED BY THE
2ND RESPONDENT.

EXT.P2. TRUE COPY OF THE NOTIFICATION DATED 11/11/2014 ISSUED BY THE
2ND RESPONDENT.

EXT.P3. TRUE COPY OF THE NOTIFICATIONS DATED 17/11/2014 ISSUED BY THE
2ND RESPONDENT.

EXT.P4. TRUE COPY OF THE APPLICATION SUBMITTED BY THE 1ST PETITIONER
SAMITHI BEFORE THE 3RD RESPONDENT.

EXT.P5. TRUE COPY OF THE RECEIPT DATED 28/11/2014 ISSUED BY THE
3RD RESPONDENT.

EXT.P6: TRUE COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT
DTD.10.12.2014.

EXT.P7: TRUE COPY OF THE RELEVANT PAGES OF THE NOTIFICATION DTD.25.1.2015.

EXT.P7(a): ENGLISH TRANSLATION OF EXT. P7.

EXT.P8: TRUE COPY OF THE OBJECTION DTD.3.2.2015 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P8(a): ENGLISH TRANSLATION OF EXT. P8.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 34951 of 2014

Dated this the 11th day of March, 2015

JUDGMENT

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. The first petitioner, a Janakeeya Samithi, and petitioners 2 and 3, the residents of Kottiyam, have submitted Exhibit P4 application for formation of a new Panchayat at Kottiyam, in response to Exhibits P1 and P3 notifications. In course of time, Exhibit P4 application was, however, turned down by the third respondent through Exhibit P6 order.

3. As can be seen from record, subsequently the

Government issued Exhibit P7 notification and called for objections from the public at large. In fact, the petitioners once again responded to Exhibit P7 notification by filing Exhibit P8 representation, which is yet to be considered by the authorities.

4. The learned Government Pleader has submitted that the Principal Secretary, the Local Self Government (EM) Department, is the competent authority to consider Exhibit P8 representation. He has also further submitted that the said authority is willing to consider the said application in accordance with law.

5. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioners and the learned Government Pleader for the respondents, this Court, without expressing any opinion on the merits of the matter, directs the Principal Secretary, the Local Self Government (EM) Department, to dispose of petitioners' Exhibit P8 representation in accordance with law and pass appropriate orders thereon as expeditiously as possible, at any rate within a period of three weeks from the date of receipt of a copy of this judgment, if the

application is pending as on date.

With the above observation, this writ petition is disposed of.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-