

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 35320 of 2014 (L)

PETITIONER(S):

**THANKAMMA, AGED 73 YEARS,
W/O LATE ABRAHAM, NELLIVILA PADINJATTATHIL VEEDU,
MALAVILA, CHEPRA P.O., UMMANNOOR VILLAGE,
KOTTARAKKARA TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.VINOY VARGHESE KALLUMOOTIL

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
LOCAL ADMINISTRATION DEPARTMENT, SECRETARIATE,
THIRUVANANTHAPURAM, PIN:695 001.**
- 2. DISTRICT COLLECTOR,
KOLLAM, PIN:691 001.**
- 3. UMMANNOR GRAMA PANCHAYATH,
REPRESENTED BY SECRETARY, UMMANNOR P.O.,
KOTTARAKKARA TALUK, KOLLAM DISTRICT, PIN:691 548.**
- 4. THOMAS ABRAHAM,
S/O LATE ABRAHAM, NELLIVILA GIL GAL,
MALAVILA CHEPRA P.O., UMMANNOOR VILLAGE,
KOTTARAKKARA TALUK, KOLLAM DISTRICT, PIN:691 549.**

**R1 & R2 BY GOVERNMENT PLEADER SRI.G.GOPAKUMAR
R3 BY ADV. SRI.N.UNNIKRISHNAN
R4 BY ADV. SRI.B.MOHANLAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 35320 of 2014 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE OBJECTION FILED BEFORE THE 2ND RESPONDENT.

**EXHIBIT P2: TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT
DISTRICT COLLECTOR, KOLLAM DATED 18.8.2014.**

**EXHIBIT P3: TRUE COPY OF THE STAY PETITION AND FILED BEFORE THE
IST RESPONDENT.**

EXHIBIT P4: TRUE COPY OF THE APPEAL FILED BEFORE THE IST RESPONDENT.

RESPONDENT(S)' EXHIBITS:

**EXT. R4(a): THE TRUE COPY OF THE DISABILITY CERTIFICATE ISSUED BY THE
MEDICAL BOARD, TALUK HEAD QUARTERS HOSPITAL, KOTTARAKKARA
DTD.10.12.2013 TO THE FATHER OF THE 4TH RESPONDENT.**

**EXT. R4(b): THE TRUE COPY OF THE LICENSE NO.M-14/16934/13 DTD.18.8.2014
ISSUED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT.**

//TRUE COPY//

P.S.TO JUDGE

Ms^v/

K. SURENDRA MOHAN,J.

W.P(C) NO.35320 OF 2014

Dated this the 13th January, 2015.

JUDGMENT

The petitioner has filed this writ petition aggrieved by Ext.P2 order passed by the second respondent permitting the fourth respondent to establish a burial ground in a property close to that of the petitioner. The petitioner has challenged Ext.P2 in Ext.P4 appeal which is pending before the first respondent. The petitioner submits that it is sufficient for this Court to direct the consideration of Ext.P4, expeditiously maintaining the interim order passed by this Court in the meantime. I have heard Adv.Shri. B.Mohanlal who appears for the fourth respondent and Adv.Shri.N.Unnikrishnan who appears for the third respondent.

2. Since Ext.P4 appeal is pending consideration before the first respondent, I do not think it necessary to consider the

vires of Ext.P2 in this writ petition. It shall be sufficient to direct the first respondent to consider Ext.P4 appeal and to dispose of the same after hearing all parties within a stipulated time.

3. This writ petition is therefore disposed of directing the first respondent to consider Ext.P4 appeal submitted by the petitioner in accordance with law, after hearing the petitioner as well as respondents 3 and 4 and to pass appropriate orders thereon, as expeditiously as possible and at any rate within a period of two months of the date of receipt of a copy of this judgment. The interim order granted by this Court in this case shall continue to be in force until Ext.P4 is finally disposed of in accordance with the above direction.

Sd/-
K. SURENDRA MOHAN
Judge

jj

/True copy/

