IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 09TH DAY OF DECEMBER 2020 / 18TH AGRAHAYANA, 1942

WP(C).No.23497 OF 2020(J)

PETITIONER/S:

SALINI, AGED 34 YEARS, W/O.RAJENDRAN PILLAI, SALINI BHAVAN, PULIYOORVANCHI NORTH, THODIYOOR VILLAGE, KARUNAGAPPALLY, KOLLAM - 690 523

BY ADVS.
SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR

RESPONDENT/S:

1 **THE THODIYOOR GRAMA PANCHAYAT, THODIYOOR P.O., KOLLAM-690 568,**

2 **SREEJITH, AGED 40 YEARS, S/O.GOPALAKRISHNA PILLAI, KOVILAKAM, PULIYOORVANCHI NORTH, THODIYOOR VILLAGE, KARUNANGAPPALLY, KOLLAM-690 523.**

R1 BY ADV. SHRI.M.R.SASITH PANICKER, SC, THODIYOOR GRAMA PANCHAYAT
R2 BY ADV. SRI.S.SUJIN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 9th day of December 2020

The Secretary of Thodiyoor Grama Panchayat passed Ext.P1 impugned order invoking the power under Section 238 of the Kerala Panchayat Raj Act, 1994. This was pursuant to Ext.P4 judgment.

This Court, in fact, directed the Grama Panchayat to take a decision and directed the Secretary to take action accordingly. Misconstruing the direction, the Secretary passed the impugned order. In the light of the fact that under Section 238 of the Act, the village Panchayat alone can take a decision. I am of the view that the impugned order has to be set aside. Accordingly, it is set aside. The Village Panchayat is directed to take a decision within a period of four weeks, after adverting to the objection and Ext.P5 report of the Secretary.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE

JUDGE

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APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE PHOTOSTAT COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 26.7.2017.**
EXHIBIT P2	**THE TRUE PHOTOSTAT COPY OF THE JUDGMENT IN W.P. (C) NO.25755 OF 2017, DATED 21.6.2018.**
EXHIBIT P3	**TRUE PHOTOSTAT COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT DATED 11.9.2020.**
EXHIBIT P4	**TRUE PHOTOSTAT COPY OF THE JUDGMENT IN W.P.(C) NO.13741 OF 2020, DATED 14.7.2020.**
EXHIBIT P5	**TRUE PHOTOSTAT COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT, DATED 22.9.2020.**
EXHIBIT P6	**TRUE PHOTOSTAT COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 28.9.2020.**
EXHIBIT P7	**TRUE PHOTOSTAT COPY OF THE SAID ORDER OF THE 1ST RESPONDENT, DATED 9.10.2020.**

RESPONDENTS EXHIBITS:NIL.

//TRUE COPY//

P.A.TO JUDGE