

Kunjunni Vs. Kottayam Municipality

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Court : Kerala

Decided On : Jan-29-2014

Judge : Honourable Mr.Justice C.T.Ravikumar

Appellant : Kunjunni

Respondent : Kottayam Municipality

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR WEDNESDAY, THE 29TH DAY OF JANUARY 2014 9TH MAGHA, 1935 WP(C).No. 31026 of 2013 (C) ----- PETITIONER: ----- M. KUNJUNNI, AGED 59 YEARS S/O APPU GUPTHAN, "BLIND HUT" MARIYATHURUTHU P.O., AIYMANAM, KOTTAYAM- 27 BY ADVS.SRI.K.M.SANAL SMT.GEETHA P.MENON RESPONDENT(S): ----- 1. KOTTAYAM MUNICIPALITY, KOTTAYAM REPRESENTED BY ITS SECRETARY-686 001.

2. THE DISTRICT COLLECTOR, KOTTAYAM-686 001.

3. THE KOTTAYAM DISTRICT PANCHAYAT, REPRESENTED BY ITS SECRETARY, KOTTAYAM-686 001.

4. THE EXECUTIVE ENGINEER, PUBLIC WORKS DEPARTMENT (ROADS DIVERSION), KOTTAYAM-686 001.

5. THE TAHSILDAR, KOTTAYAM-686 001. R1 BY ADV. SRI.PHILIP J.VETTICKATTU R1 BY ADV. SRI.B.PREMNATH (E) BY GOVERNMENT PLEADER BIJU MEENATTOOR THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29-01-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: AS WP(C).No. 31026 of 2013 (C) APPENDIX PETITIONER(S)' EXHIBITS: EXHIBIT P1: COPY OF THE MEDICAL CERTIFICATE DATED 28-06-2000 ISSUED BY THE MEDICAL BOARD OF THE MEDICAL COLLEGE, KOTTAYAM. EXHIBIT P2: COPY OF THE

JUDGMENT

DATED 30-09-2010 IN WPC NO 25266/2010. EXHIBIT P3: COPY OF THE

JUDGMENT

DATED 01-07-2013 IN WPC 7045/2011. EXHIBIT P4: COPY OF THE 1ST RESPONDENT'S NOTICE DATED 06-09-2013. EXHIBIT P5: PHOTOGRAPHS OF THE SHOP ROOM ALLOTTED TO THE PETITIONER. EXHIBIT P6: COPY OF THE PETITIONER'S REPRESENTATION DATED 08-10-2013. RESPONDENT(S)' EXHIBITS: NIL /TRUE COPY/ P.A. TO JUDGE AS C.T.RAVIKUMAR, J
----- W.P.(C) No. 31026 of 2013
----- Dated this the 29th day of January, 2014

JUDGMENT

The petitioner is a blind person aged 59 years. According to him he is having 100% permanent visual disability. In the year 1981 the petitioner was allotted a bunk adjacent to the District Hospital, Kottayam as part of the scheme 'Prathyasa' (Hope) framed for uplifting physically handicapped persons. Certain developmental activities necessitated demolition of the said bunk and thereupon the petitioner was allotted room No.144 in Nehru Stadium Gallery with 50% concession for rent. Admittedly, the petitioner occupied the room allotted to him and started business there. The petitioner found the said room leaky and thereby unsuitable for conducting a tea stall or cool bar. Thereupon, he submitted Ext.P6 representation requesting the first respondent to allot him one of the vacant rooms in the building near vegetable market at Kodimatha. The grievance of the petitioner is that despite the receipt of Ext.P6 no decision was taken thereon. The

petitioner attributes infringement of the fundamental rights under Article 19(1) (g) of the Constitution of India. Considering the admitted fact that the respondents have W.P.(C) No. 31026 of 2013 2 allotted the petitioner a room in the Nehru Stadium Gallery with 50% concession itself would reveal the untenableness of the said contention. If the petitioner is not being given the concession as declared he may have to take up the matter before the competent authority and in such eventuality the said authority shall take appropriate steps for giving the full benefit of the concession granted. Now, with respect to the non-consideration of Ext.P6 representation the learned standing counsel appearing for the first respondent, on instructions, submitted that Ext.P6 representation would be considered by the first respondent and a proper decision would be taken thereon, expeditiously. In the said circumstances, without making any observation as to the entitlement of the petitioner to get the room reallocated, this writ petition is disposed of with a direction to the first respondent to consider Ext.P6 representation and pass appropriate orders, taking into account the fact that the petitioner is a blind person and he is having 100% disability. Orders thereon shall be passed expeditiously and at any rate, within a period of six weeks from the date of receipt of a copy of this judgment. Sd/- C.T.RAVIKUMAR,JUDGE. dlk

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