

Kunjumon vs State of Kerala

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Court : Kerala

Decided On : Apr-25-2023

Judge : Honourable Mr.Justice Mohammed Nias C.P.

Appeal No. : WP(C)/14339/2023

Appellant : Kunjumon

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
TUESDAY, THE 25TH DAY OF APRIL 2023 / 5TH VAISAKHA, 1945
WP(C) NO. 14339 OF 2023 PETITIONER: KUNJUMON S/O
UMMERKUTTY, AJMAL MANZIL, KANNANKARA, PADEETTATHIL,
PERINGALA.P.O., KAYAMKULAM, ALAPPUZHA, PIN - 690559 BY
ADVS. A.RAJASIMHAN VYKHARI.K.U RESPONDENTS: 1 STATE OF
KERALA REPRESENTED BY THE PRINCIPAL SECRETARY,
DEPARTMENT OF LOCAL SELF GOVERNMENT INSTITUTIONS,
SECRETARIAT, STATUE.P.O., THIRUVANANTHAPURAM, PIN -
695001 2 KAYAMKULAM MUNICIPALITY REPRESENTED BY ITS
SECRETARY, KAYAMKULAM.P.O., ALAPPUZHA, PIN - 690502 3

MOHAMMED ISMAIL S/O HYDROSKUNJU, PUTHENVEETIL,
CHIRAKKADAVAM, KAYAMKULAM.P.O., ALAPPUZHA, PIN - 690502
BY ADV RAJAN T R THIS WRIT PETITION (CIVIL) HAVING COME UP
FOR ADMISSION ON 25.04.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: MOHAMMED NIAS. C.P.,J

----- Dated this the 25th
day of April, 2023

JUDGMENT

This writ petition is filed seeking the following reliefs: i) Issue a writ of certiorari quashing decision No. 9 in Ext.P3. ii) Direct the 2nd respondent to keep the implementation of decision No. 9 in Ext.P3 in abeyance till the disposal of Ext. P4 appeal. iii) Direct the 1st respondent to take a decision in Ext.P4 appeal in a time bound manner after affording an opportunity of hearing to the petitioners taking note of Ext. P2 and Rule 13 of the Kerala Municipality (Procedure for Meeting of Council) Rules, 1995. iv) Issue such other orders which this Hon'ble Court deem fit and proper in the interest of justice. v) Dispense with the English translation of vernacular documents.

2. Heard the learned counsel for the petitioners and the learned Standing Counsel appearing for the 2nd respondent Municipality.

3. In view of the limited relief sought for in the writ

petition, this writ petition is disposed of with a direction to the 2nd respondent to take up Exhibit P4 appeal made by the petitioners and to pass orders on the same with notice to all concerned within a period of three months from the date of receipt of a copy of this judgment. The request, if any, made by the petitioners for any interim relief shall also be duly considered by the respondent. Sd/- MOHAMMED NIAS. C.P., JUDGE Raj/25.04.2023. APPENDIX OF WP(C) 14339/2023 PETITIONER EXHIBITS ExhibitP1 TRUE COPY OF THE RESOLUTION DATED 27-8- 2020 THE 2ND RESPONDENT COUNCIL ExhibitP2 TRUE COPY OF THE DECISION DATED 2-11- 2020 OF THE 2ND RESPONDENT COUNCIL ExhibitP3 TRUE COPY OF THE MINUTES DATED 25-3-2023 OF THE 2ND RESPONDENT

COUNCIL ExhibitP4 TRUE COPY OF THE APPEAL DATED 10-4-2023
SUBMITTED BY THE PETITIONER ExhibitP5 TRUE COPY OF THE
PETITIONER FOR STAY

SUBMITTED ALONG WITH APPEAL DATED 10-4ExhibitP6 TRUE COPY OF
THE POSTAL RECEIPT EVIDENCING THE ABOVE SUBMISSION OF APPEAL
DATED 10-4-2023 ExhibitP7 TRUE COPY OF THE LETTER NO. R4-24323/18
DATED 28-3-2023 ISSUED BY THE 2ND RESPONDENT

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