

Padmaja, vs State of Kerala,

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SooperKanoon Citation : sooperkanoon.com/1445627

Court : Kerala

Decided On : Jun-30-2022

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/2591/2022

Appellant : Padmaja,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 30TH DAY OF JUNE 2022 / 9TH ASHADHA, 1944
WP(C) NO. 2591 OF 2022 PETITIONER: PADMAJA, AGED 49 YEARS
W/O.MURALEEDHARAN, KOTTATTILKULAMBIL HOUSE,
KUMBALAKKODE P.O., PAZHAYANNUR, THRISSUR DISTRICT. BY
ADVS. V.M.KRISHNAKUMAR P.R.REENA RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY SECRETARY,
DEPARTMENT OF LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001. 2
KUDUMBASREE DISTRICT COMMISSION, CIVIL STATION,

THRISSUR, PIN-680 003, REPRESENTED BY CHAIRMAN. 3 KUDUMBASREE COMMUNITY DEVELOPMENT SOCIETY (CDS), PAZHAYANNUR, PAZHAYANNUR GRAMA PANCHAYATH OFFICE, PAZHAYANNUR, THRISSUR, PIN-680 670, REPRESENTED BY ITS CHAIRPERSON. 4 DEPUTY DIRECTOR OF PANCHAYATH, AYYANTHOLE, THRISSUR, PIN-680 003. 5 PAZHAYANNUR GRAMAPANCHAYATH, PAZHAYANNUR P.O., THRISSUR DISTRICT, PIN-680 670, REPRESENTED BY SECRETARY. BY ADVS.VIDYA KURIAKOSE, GP ADVOCATE GENERAL OFFICE KERALA R.RAJPRADEEP BRIJESH MOHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- W.P.(C).No.2591 of 2022
----- Dated this the 30th day of June, 2022

JUDGMENT

This writ petition is filed with following prayers: i. Call for the records leading to Ext.P7, P8 and P9 and issue in the nature of certiorari quashing Ext.P7, P8 and P9. ii. Issue such other orders, writs or directions as are deemed fit by this Honble Court. iii. Award cost of this proceedings to the petitioner. (SIC)

2. Today, when the writ petition came up for

consideration, the learned Government Pleader produced Government Order bearing No.G.O.(R.T) NO.1502/2022/LSGD dated 22.06.2022 passed by the Local Self Government Institutions in which it is stated that Ext.P1 order is given retrospective effect. In the light of the same, the impugned orders in this case can be quashed. Therefore, this writ petition is allowed in the following manner:

1. Exts.P7, P8 and P9 are quashed in the light of the Government Order bearing No.G.O.(RT) NO.1502/2022/LSGD dated 22.06.2022 which is a modified order giving retrospective effect to Ext.P1.

2. If there is any other defect or irregularity to

the hotel of the petitioner, the 2 nd respondent is free to act in accordance to law.
sd/- P.V.KUNHIKRISHNAN JV JUDGE APPENDIX OF WP(C) 2591/2022
PETITIONER EXHIBITS

Exhibit P1 TRUE COPY OF THE GOVERNMENT ORDER

GO(RT) NO.3560/2021/LSGD DATED 14.12.2021. Exhibit P2 TRUE COPY OF THE GUIDELINES OF KUDUMBASREE JANAKEEYA HOTEL PROGRAMME. Exhibit P3 TRUE COPY OF THE AGREEMENT EXECUTED BY THE PETITIONER AND THE PRESIDENT OF PAZHAYANNUR PANCHAYATH, SOBHANA RAJAN DATED 03.11.2020. Exhibit P4 TRUE COPY OF THE LETTER DATED 21.10.2021 ISSUED BY THE PANCHAYATH. Exhibit P5 TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE RESPONDENTS 2 TO 5 DATED 25.10.2021. Exhibit P6 TRUE COPY OF THE JUDGMENT IN WPC NO.23329/2021 DATED 28.10.2021. Exhibit P7 TRUE COPY OF THE ORDER OF THE 5TH RESPONDENT PANCHAYATH DATED 25.11.2021. Exhibit P8 TRUE COPY OF THE ORDER OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS IN APPEAL NO.634/2021 DATED 10.01.2022. Exhibit P9 TRUE COPY OF THE NOTICE ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER DATED 18.01.2022. RESPONDENT EXHIBITS Exhibit R5(a) TRUE COPY OF THE LETTER DATED

15.11.2021 GIVEN BY THE ASSISTANT SECRETARY OF PAHAYANNUR GRAMA PANCHAYATH REGARDING THE FORMATION AND FUNCTIONING OF JANAKEEYA HOTEL GROUP Exhibit R5(b) TRUE COPY OF THE MINUTES OF THE CDS ON 26.10.2021 EXHIBIT R2(A) TRUE COPY OF THE G.O NO 2560/2021 DATED 14.12.2021