

Abbas, vs the Secretary,

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Court : Kerala

Decided On : Jun-30-2022

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/17043/2022

Appellant : ABBAS,

Respondent : The Secretary,

Judgement :

WP(C) NO. 17043 OF 2022 1

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. 17043 OF 2022 PETITIONER/S: ABBAS, AGED 39 YEARS
S/O. MUHAMMED, THAVITTERIPARA, VELLIPARAMBA, KOZHIKODE-
673008. BY ADV T.T.SHANIBA RESPONDENT/S: 1 THE SECRETARY,
PERUMANNA GRAMA PANCHAYATH, PERUMANNA P.O., PIN-
673019. 2 PERUMANNA GRAMA PANCHAYATH, PERUMANNA P.O.,
PIN-673019, REPRESENTED BY ITS SECRETARY.

BY ADVS. Vinod Singh Cheriyan T.M.KHALID(K/000047/2013)
K.P.SUSMITHA(K/956/2001) DHEERAJ P.P.(K/1307/2021) THIS WRIT
PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.06.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: WP(C) NO. 17043 OF 2022 2 P.V.KUNHIKRISHNAN, J
----- W.P.(C) No.17043 of 2022
----- Dated this the 30th day of June, 2022

JUDGMENT

The above writ petition is filed with following prayers : i) Issue a writ of mandamus or any other appropriate writ or

order commanding the 1st respondent to take up Ext P5 reply

submitted against Ext P1 show cause notice and finalize Ext P2 proceedings as mandated under S.235W(3) of the Kerala Panchayat Raj Act 1994; And ii) To pass such orders or reliefs as this Honble Court deems fit in the interest of justice. [SIC]

2. The main prayer in the writ petition is to issue

direction to the 1st respondent to take up Ext.P5 reply submitted against Ext.P1 show cause notice and finalize Ext.P2 proceedings as mandated under Sec.235W(3) of the Kerala Panchayat Raj Act, 1994.

3. Heard the learned counsel for the petitioner and the WP(C) NO. 17043 OF 2022 3 learned Standing Counsel appearing for the Panchayat.

4. The learned counsel for the petitioner submitted that

the petitioner already submitted Ext.P5 reply to Ext.P2 notice. The learned Standing Counsel submitted that appropriate action will be taken based on the reply, after giving an opportunity of hearing to the petitioner within a time frame. Therefore, this writ petition is disposed of with the following directions : 1) The 1st respondent is directed to conclude the proceedings initiated based on Ext.P1 as expeditiously as possible, at any rate within one month from the date of receipt of

a copy of this

judgment.

2) Before passing final orders, the 1st respondent will consider Ext.P5 reply and an opportunity of hearing also will be given to the petitioner. SD/- P.V.KUNHIKRISHNAN JUDGE SKS WP(C) NO. 17043 OF 2022 4 APPENDIX OF WP(C) 17043/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE SHOW CAUSE NOTICE DATED Exhibit P2 TRUE COPY OF THE STOP MEMO DATED Exhibit P3 TRUE COPY OF THE SALE DEED REGISTERED AS DOCUMENT NO.2262/2018 OF SRO MAVOOR. Exhibit P4 TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE 1ST RESPONDENT DATED 25/10/2017. Exhibit P5 TRUE COPY OF THE REPLY TO SCN DATED 1ST RESPONDENT. Exhibit P6 TRUE COPY OF THE ACKNOWLEDGMENT CARD EVIDENCING THE RECEIPT OF EXHIBIT P5 REPLY.

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