

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

WEDNESDAY, THE 11TH DAY OF JANUARY 2012/21ST POUSHA 1933

WPC.No. 837 of 2012 (D)

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PETITIONER(S)

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1 SRI.T.K.RADHAKRISHNAN
THAZHETHUMANACKAL HOUSE
ASAMANNOR.P.O.
PERUMBAVOOR.

BY ADV.SRI.JOHN K.GEORGE

RESPONDENT(S)

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1 TRAVANCORE DEVASWOM BOARD
REPRESENTED BY DEVASWOM SECRETARY
THIRUVANANTHAPURAM -695 001.

2 SRI.K.G.SASI
KOMBATHU HOUSE
ERUMELY.P.O. - 686 509.

3 SRI.RAHIM.T
THURUTHIPUTHEN VEEDU
THAMARAKULAM.P.O.
ALAPPUZHA - 688 001.

4 ERUMELY GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY
ERUMELY.P.O.
KOTTAYAM - 686 509.

SRI.V.V.NANDAGOPAL NAMBIAR,SC,TDB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11-01-2012 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.837/2012

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE TENDER NOTIFICATION DT. 26.9.2011.

EXT.P2 : TRUE COPY OF THE DOCUMENT DT. 25.11.2011.

EXT.P3 : TRUE COPY OF THE COMMUNICATION FROM THE PANCHAYAT DT. 1.12.2011.

EXT.P4 : TRUE COPY OF THE COMMUNICATION FROM THE OMBUDSMAN FOR TRAVANCORE AND COCHIN DEVASWOM BOARDS DT. 10.10.2011.

(TRUE COPY)

TKS

P.S. TO JUDGE.

**THOTTATHIL B. RADHAKRISHNAN &
C.T.RAVIKUMAR, JJ.**

W.P.(C)No.837 of 2012

Dated this the 11th day of January, 2012

JUDGMENT

Thottathil B.Radhakrishnan, J.

Heard Adv.John K.George, learned counsel for the petitioner
and Adv.V.V.Nandagopal Nambiar, learned standing counsel for TDB.

2. The petitioner's complaint is that though the 2nd respondent holds *kuthaka* for conducting a food and beverages shop, the activity going on in that shop is actually of selling utensils, which is a challenge to the petitioner's right to vend utensils under the *kuthaka* granted to him. He has also an allegation that it is the 3rd respondent who is conducting the shop under the *kuthaka* allotted to the 2nd respondent. We dispense with notice to the 4th respondent and direct the first respondent to take immediate action on the aforesaid allegation, through the officer concerned, with immediate notice to the person who is found in the shop, which was auctioned out to the 2nd respondent. A decision in this regard shall be taken within a period of three days from now.

3. Obviously, assistance of Police is a matter which the Board authority can seek at any point of time, in all cases. Standing counsel will instruct the authorities appropriately.

The writ petition is ordered accordingly.

Issue copy today itself.

THOTTATHIL B. RADHAKRISHNAN
Judge

C.T.RAVIKUMAR
Judge

TKS/11.1.2012.