

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY ,THE 22ND DAY OF MARCH 2019 / 1ST CHAITHRA, 1941

WP(C).No. 18388 of 2015

PETITIONER/S:

PRAMOD.K,
AGED 40 YEARS,
S/O.SREEDHARAN, ENTREPRENEUR FOR THE AKSHAYA e CENTER
OZHINJAVALLAPPU, LOCATION CODE KG-1321
(NEW NO.KSD-137), OZHINJAVALLAPPU P.O., NEELESHWARAM
(VIA), KANHANGAD, KASARAGOD DISTRICT.

BY ADV. SRI. PRAMOD.K (PARTY)
SRI. K. P. HARISH

RESPONDENT/S:

- 1 STATE OF KERALA REPRESENTED BY ITS SECRETARY,
INFORMATION TECHNOLOGY DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 2 THE DIRECTOR,
KERALA STATE INFORMATION TECHNOLOGY DEPARTMENT,
VELLAYAMBALAM, THIRUVANANTHAPURAM - 695 001.
- 3 THE DISTRICT COLLECTOR,
KASARAGOD, KASARAGOD DISTRICT -671 121.
- 4 THE SECRETARY (CO-ORDINATOR), AKSHAYA PROJECT,
KASARAGOD, KASARAGOD DISTRICT -671 121.
- 5 KANHANGAD MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, KANHANGAD P.O.,
KASARAGOD - 671 315.

R1-R4, SMT. PRINCY XAVIER, GP
R5, SRI.T.K.VIPINDAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22.03.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This writ petition is filed by the petitioner seeking the following reliefs:

- i) Issue a writ of certiorari or any other appropriate writ, order or direction calling for the records leading to the decision of the 1st respondent to start the new Akshaya Center at Padanekkad, the selection of Entrepreneurs including Ext.P3 and its all further proceedings pursuant thereto and quash the same;
- ii) Issue a writ of mandamus or other appropriate writ, order or direction to the respondents not to open the new Akshaya Center at Padanekkad in violation to the terms and conditions of Ext.P1 agreement and Ext.P4 Government Order;
- iii) To command the respondents to comply the terms and conditions of Ext.P1 agreement and Ext.P4 Government Order;
- iv) Issue a writ of mandamus or other appropriate writ, order or direction to the respondents to dispose of Ext.P7 representation within a reasonable time;
- v) To declare that the petitioner is entitled to run his Akshaya Centre, Ozhinjalappu within the two kilo meters of his centre in the light of Ext.P1 and P4;
- vi) Issue such other writ order or direction, which this Hon'ble Court may deem just, fit and proper in the facts and circumstances of the case.

2. From the pleadings putforth by the petitioner, apparently, petitioner is concerned with the action taken by the Government in starting a new Akshaya Centre at Padnekkad in Kasaragod District. However, a counter affidavit is filed by the 5th respondent, refuting the allegations and claims and demands raised by the petitioner. However, learned Government Pleader pointed out that the Government have dropped the proposal to start an Akshaya Centre in Padnekkad.

In that view of the matter, in my considered view, the subject issue raised by the petitioner in the writ petition has virtually become infructuous, and closed accordingly, recording that the Government have no intention to start the Akshaya Centre in Padnekkad.

sd/-

SHAJI P.CHALY
JUDGE

SPR

APPENDIX

PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE AGREEMENT DATED
23.8.2013 SIGNED BETWEEN THE PETITIONER
AND THE 3RD RESPONDENT
- EXHIBIT P2 A TRUE COPY OF THE COMMUNICATION
REF.NO.G3-14467/04 DATED 10.10.2006 OF
THE 5TH RESPONDENT TO THE 4TH RESPONDENT
- EXHIBIT P3 THE TRUE COPY OF THE EXAMINATION HALL
TICKET ISSUED TO ONE SEENA N.K. FOR THE
AKSHAYA ENTREPRENEUR SELECTION
EXAMINATION KASARAGOD-PADNEKKAD HELD ON
26.5.2015
- EXHIBIT P4 THE TRUE COPY OF THE G.O(RT)
NO.210/2014/ITD DATED 26.9.2014 ISSUED BY
THE 1ST RESPONDENT
- EXHIBIT P5 THE TRUE COPY OF THE LETTER DATED
30.5.2015 OF THE MUNICIPAL COUNCILOR OF
WARD NO.31 OF KANHANGAD MUNICIPALITY.
- EXHIBIT P6 THE TRUE COPY OF THE DISTANCE CHART
PUBLISHED IN THE AUTO STAND PADENEKKAD
- EXHIBIT P7 TRUE COPIES OF THE REPRESENTATIONS DATED
30.5.2015 SUBMITTED TO THE RESPONDENTS 1
TO 5.

RESPONDENT'S/S EXHIBITS: NIL.