

(2014) 06 KL CK 0094
In the High Court Of Kerala
Case No : WP(C). No. 13808 of 2014 (S)

George Kattunilath

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 03-06-2014

Acts Referred:

Citation : (2014) 06 KL CK 0094

Hon'ble Judges : Manjula Chellur, C.J.; P.R. Ramachandra Menon, J

Bench : Division Bench

Advocate : A.G. Basil, Advocate for the Appellant; Millu Dandapani, SC, K.K. Anand, SC and P.I. Davis, Sr. Government Pleader, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Dr. Manjula Chellur, C.J.—Petitioner is before this Court claiming to be a pro bono publico seeking the following remedies:

- i) Issue a writ of mandamus or other appropriate writ, order or direction directing the 1st respondent not to construct any concrete buildings in Exhibit P1 open property upto locating of other places if possible for the construction of buildings for the Cochin City Police Commissioner's Office;
- ii) Issue a writ of mandamus or other appropriate writ, order or direction directing the 2nd and 3rd respondents to examine the possibility of construction buildings for the Police department in other abandoned places in Cochin city, Exhibit P2 properties;
- iii) Issue a writ of mandamus or other appropriate writ, order or direction directing the 4th respondent not to commence any work in Exhibit P1 property upto the location of other abandoned properties for the construction of the building for the Police Department.
- iv) Issue a writ of mandamus or other appropriate writ, order or direction directing the 6th respondent to protect all the trees standing in Exhibit P1

property.

2. According to petitioner, the only open space in front of High Court as shown in Exhibit P1 respondents have decided to put up a building for the purpose of Kerala Police Co-operative Society. If such construction is allowed, it would come in the way of public, professionals who visit the High Court junction every day. When Kerala is termed as "God's own country" and Cochin is known as "Queen of Arabian Sea", there has to be a direction to respondents as prayed in the Writ Petition is the stand of petitioner.

3. During the course of submissions, it is revealed, initially there was Police Commissioner's office situated in the very same property. The same had to be demolished, as it was an old building. Now Commissioner's office is housed at Revenue Tower, which is not convenient for the public to approach and it is on rental basis too. Therefore, the department has decided to put up construction for the purpose of housing Commissioner's office.

4. In the light of above revelation, when we go through the averments in the Writ Petition, there is not even a whisper regarding existence of a building belonging to Kerala Police Department on this site in question. It is nothing but concealing of fact within the knowledge of petitioner. In the light of the fact that other important offices of Police Department are also situated nearby from this site, it is just and proper for the Department to construct a building for the use of Police Commissioner's office. So far as construction of building, Cochin Corporation shall look into the same and do the needful in accordance with the Building Rules and procedure etc. It is also noticed from the averments that it is not even the case of petitioner that as per Town Planning Scheme, the property has to be left as an open space. In the absence of such pleadings, it is nothing but a frivolous petition filed for the reasons best known to petitioner. Time and again Supreme Court and various High Courts including this Court have said, unless there is real apprehension of endanger to cause of public or right of public, public interest litigation cannot be entertained on flimsy grounds. Courts are duty bound to look behind the veil and see what the real intention in filing public interest litigation.

In the light of above observation and reasoning, we are of the opinion, this Writ Petition deserves to be dismissed with costs.

Accordingly, we dismiss the Writ Petition imposing a cost of 25,000/- to be paid to the Kerala Advocates' Welfare Fund Trust.