
(2010) 08 KL CK 0001

In the High Court Of Kerala

Case No : Writ Petition (C) No. 25213 of 2010 (S)

K. Sainudheen

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 11-08-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 08 KL CK 0001

Hon'ble Judges : J. Chelameswar, C.J.; P.N. Ravindran, J

Bench : Division Bench

Advocate : C.M. Mohammed Iquabal, for the Appellant; Molly Jacob, S.C. for Supplyco, for the Respondent

Final Decision : Dismissed

Judgement

P.N. Ravindran, J.—The petitioner, who is a member of Ward No. 1 of Vettom Grama Panchayat, has filed this writ petition challenging the decision taken by the Kerala State Civil Supplies Corporation to open a Maveli Store at Alissery within the local limits of the said Panchayat.

2. The main contention raised in the writ petition is that the members of the Grama Panchayat that met on 29-1-2010 have by a majority of 12 votes against 7 decided to have the Maveli Store established at Paravanna and that in view of the said decision the Kerala State Civil Supplies Corporation is bound to establish the Maveli Store in that place. It is on this ground that the petitioner, a Ward Member of the Panchayat, seeks the intervention of this Court to ensure that the Maveli Store is established in Paravanna.

3. The Apex Court has in J.R. Raghupathy and Others Vs. State of A.P. and Others, , while dealing with the jurisdiction of the High Court under Article 226 of the Constitution of India to sit in appeal over the decision of the State Government to locate the Mandal Headquarters at a particular place held as follows:

9. It will serve no useful purpose to delineate the facts in all the cases which follow more or less on the same lines. We are of the opinion that the High Court had no jurisdiction to sit in appeal over the decision of the State Government to locate the Mandal Headquarters at a particular place. The decision to locate such Headquarters at a particular village is dependent upon various factors. The High Court obviously could not evaluate for itself the comparative merits of a particular place as against the other for location of the Mandal Headquarters. In some of the cases the High Court declined to interfere saying that the Government was the best judge of the situation in the matter of location of Mandal Headquarters.

It was held that the High Court could not evaluate for itself the comparative merits of a particular place as against the other, for location of the Mandal Headquarters. In the instant case the Kerala State Civil Supplies Corporation has taken steps to establish a Maveli Store at Alissery taking note of the request made by the Member of the Legislative Assembly representing Tirur Assembly Constituency within which Constituency the Vettom Grama Panchayat is situated. The majority of the members of the Panchayat want the Maveli Store to be established at a different locality. It was after taking into account the views of the Member of the Legislative Assembly representing Tirur Assembly Constituency that the Kerala State Civil Supplies Corporation took the decision to establish a Maveli Store at Alissery. It is not within the jurisdiction of this Court to substitute its decision in the place of the decision of the Kerala State Civil Supplies Corporation and to direct that the Maveli Store be established at the place suggested by the Panchayat. The petitioner has not pointed out any right in him to have the Maveli Store established at the place of his choice. The locality where the Maveli Store is to be established is a matter for the Kerala State Civil Supplies Corporation to decide.

In such circumstances we are of the considered opinion that the petitioner is not entitled to the reliefs prayed for. The writ petition fails and is accordingly dismissed.