
(2021) 06 KL CK 0173
In the High Court Of Kerala
Case No : Writ Petition (C) No.12113 Of 2021

P.Muralidharan

APPELLANT

Vs

Kadambur Grama Panchayath

RESPONDENT

Date of Decision : 11-06-2021

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2021) 06 KL CK 0173

Hon'ble Judges : C. S. Dias, J

Bench : Single Bench

Advocate : George Poonthottam, Nisha George, Vishnu B.Kurup, Paul Abraham Vakkanal

Final Decision : Disposed Of

Judgement

C.S.Dias, J

1. The petitioner seeks a direction to the third respondent to consider and dispose of Ext P3 appeal within a time frame.

2. The petitioner has averred in the writ petition that he is the Manager of the Kadambur Higher Secondary School at Kannur, which was established

in the year 1899. The School was subsequently upgraded as a U.P School on 1.6.1958 and, thereafter, as an Higher Secondary School in the year

2000. The School has around 7700 students. In 2004, the petitioner wanted to start a Teachers Training Institute. As the National Council for

Teachers Education had insisted for a separate building, the petitioner had approached the second respondent seeking permission for the same.

However, the second respondent stated that there was no need for prior permission as per the Kerala Municipal Building Rules since it was not

extended to the Kadambur Panchayat. Accordingly, as there was no requirement

to obtain prior permission from the Panchayat, the petitioner constructed the building in the year 2006. Subsequently, the Kerala Municipal Building Rules was implemented in the said Panchayat. In the year 2010, the Teachers Training Institute was closed and Higher Secondary Wing of the School was shifted to the building. While so, the Regional Deputy Director issued a direction to all Higher Secondary schools to produce fitness certificate of the buildings. Ergo, the petitioner submitted a request before the Assistant Engineer, LSGD section of the Kadambur Panchayat to issue a fitness certificate, but the second respondent rejected the request by Ext P2 order. Aggrieved by Ext P2 order, the petitioner has preferred Ext P3 appeal before the third respondent as early as in the year 2019. Nevertheless, there is inordinate delay on the part of the third respondent in considering Ext P3 appeal. The appeal has been adjourned to 7.9.2021. The petitioner is being scrutinized by the Education Department for not complying with the direction of its Regional Deputy Director. Hence the petitioner seeks a direction to the third respondent to consider and dispose of Ext P3 appeal within a time frame.

3. Heard the learned Senior Counsel appearing for the petitioner and the learned Government Pleader appearing for the third respondent.

4. Taking into consideration the fact that Ext P3 appeal has been filed by the petitioner before the third respondent as early as on 22.10.2019 and the same is still pending consideration and also the fact that the Educational Department has directed the petitioner to produce fitness certificate in respect of the building, in exercise of the supervisory powers of this Court under Article 226 and 227 of the Constitution of India, I direct the third respondent to consider Ext P3 appeal, in accordance with law, as expeditiously as possible and at any rate within a period of one month from the date of production of a copy of this judgment.

The writ petition is ordered accordingly.