
(2021) 09 KL CK 0170
In the High Court Of Kerala
Case No : Bail Appl. No. . 7094 Of 2021

Sarath	Vs	APPELLANT
State Of Kerala		RESPONDENT

Date of Decision : 22-09-2021

Acts Referred:

Indian Penal Code, 1860 — Section 294(b), 324, 326, 341

Citation : (2021) 09 KL CK 0170

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

P.V.Kunhikrishnan, J.

1. The above writ petition is filed with the following prayers;

" i) Call for the records leading upto Ext.P5 and quash Ext.P5 order issued by the 1st respondent by issuance of a writ of certiorari or any other appropriate writ order or direction.

ii. Declare that the 1st respondent has no jurisdiction to entertain Ext.P3 complaint and render all actions initiated by the 1st respondent pursuant thereto to be a nullity.

iii. Issue a writ of mandamus or any other appropriate writ order or direction quashing Ext.P5 order passed by the 1st respondent to the extent that the petitioner is directed to form association of the allottees.

iv. Grant such other reliefs as this Hon'ble Court may deem fit to grant in the facts and circumstances of the case and in the interest of justice, equity and law."

2. The main grievance of the petitioner is that, the 1st respondent has no jurisdiction to entertain Ext.P3 complaint and even then Ext.P5 order is passed. The learned counsel for the petitioner submitted that, the 1st respondent is

proceeding with the case without deciding the question of jurisdiction.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. According to me, the question of jurisdiction can be raised before the 1st respondent itself by filing a petition. The 1st respondent can consider the same and pass appropriate orders in accordance to law before proceeding further. I don't want to make any observations about the merit of the case. All the contentions raised by the petitioner in this writ petition are left open.

Therefore this writ petition is disposed in the following manner.

1. The petitioner is free to file a petition before the 1st respondent raising the jurisdiction of the authority to proceed with Ext.P3 complaint and other similar complaints.

2. If such an application is received, the 1st respondent will consider the same and pass appropriate orders in accordance to law before proceeding with the complaint.

2. Before passing final orders the 1st respondent will hear the petitioner and all other affected parties.