

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH.P.

FRIDAY, THE 08TH DAY OF MAY, 2020/18TH VAISAKHA, 1942

W.P(C) NO.9788 OF 2020

PETITIONER:

RAJENDRAN, AGED 53 YEARS,
S/O PRABHAKARAN, THATTANPARAMBIL,
AKAPARAMBU, MEKKAD P.O,
NEDUMBASSERY, ERNAKULAM, 683589

BY ADV. SRI P BABU KUMAR (B-15),
SRI,P YADHU KUMAR(Y-18),
SRI.VISHNU BABU (V-636),

RESPONDENTS

1. NEDUMBASSERY GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY AIRPORT ROAD,
BESIDE POST OFFICE, MEKKAD P.O,
ANGAMALY, ERNAKULAM-683589
2. HEALTH INSPECTOR, PRIMARY HEALTH CENTER,
NEDMBASSERY, ERNAKULAM

R1-2 BY

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON
08.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Admit.

2. Issue notice by speed post to the first respondent. The petitioner shall also endeavour to serve notice by E-mail/whats App messenger. The learned Government Pleader accepts notice for respondent No.2.

3. The petitioner states that he only requires time to comply with the conditions required to be complied with by the Panchayath through Ext.P3. He states that he has applied for a loan and will complete the construction of the permanent shed on receipt of the loan. Till such time, he undertakes to cover the area using tarpaulin, sheet etc.

4. In the totality of the facts and circumstances of the case, I feel that the petitioner can be permitted some time to comply with the conditions stipulated in Ext.P3.

5. Accordingly, there will be an interim order staying Ext.P6 for a period of two months. The petitioner shall ensure that the conditions prevalent of site which are noticed in Ext.P3 shall be remedied to the extent possible by using temporary sheets etc. as undertaken by him within a period of two weeks from today. The petitioner shall thereafter file an affidavit regarding the measures he has taken. The second respondent shall cause inspection of the premises of the petitioner to ensure that the temporary measures directed to be undertaken have been satisfactorily completed.

Post on 1.6.2020.

GOPINATH.P.

JUDGE

CSL

APPENDIX

PETITIONERS EXTS.

EXHIBIT P1: TRUE PHOTOCOPY OF LICENSE ISSUED TO PETITIONER BY 1ST RESPONDENT DATED 08.05.2019

EXHIBIT P2: TRUE PHOTOCOPY OF PROCEEDINGS OF RTO FOR DISMANTLING OF KL 17 3044 DTD 13.02.2020

EXHIBIT P3: TRUE PHOTOCOPY OF NOTICE ISSUED BY 2ND RESPONDENT DATED 19.07.2019

EXHIBIT P4: TRUE PHOTOCOPY OF THE SHOW CAUSE ISSUED BY 1ST RESPONDENT DATED 17.09.2019

EXHIBIT P5: TRUE PHOTOCOPY OF APPLICATION FILED BY PETITIONER BEFORE 1ST RESPONDENT DATED 23.09.2019

EXHIBIT P6: TRUE PHOTOCOPY OF STOP MEMO DATED 06.12.2020