

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Before

THE HON'BLE MR. JUSTICE SHAJI P. CHALY

&

THE HON'BLE MR. JUSTICE ASHOK MENON

Tuesday, the 5th day of May, 2020/15th Vysakh, 1942

W.P.(C) TMP No. 189 of 2020

PETITIONER:

T P M Jishan, Aged 32 Years,
S/o. T P M Zahir, Sharafath, 5/1479,
Wayanad Road, Kozhikode. PIN – 673 006.

By Adv. Shri. K. Dilip

RESPONDENTS:

1. State of Kerala, rep. by Secretary to Government,
Local Self Govt Department, Govt Secretariat,
Thiruvananthapuram – 01.
2. The Kozhikode Corporation, rep. by it's Secretary,
Calicut Beach, Near Akashavani, Kozhikode – 673 032.
3. The Secretary, Kozhikode Corporation,
Calicut Beach, Near Akashavani, Kozhikode – 673 032.
4. The Health Inspector, Kozhikode Corporation,
K P Keshava Menon Road, Mananchira, Kozhikode – 673 001.
5. Souphiya Anish, Counselor, Ward No.66, Kozhikode Municipal
Corporation, Kozhikode – 673 032.

R1 by Sri. Bimal K Nath, Government Pleader

R2 & R3 by Sri. V. Krishna Menon, Standing Counsel

This Writ Petition (Civil) having come up for orders on 05.05.2020,

the court on the same day passed the following:

SHAJI P. CHALY & ASHOK MENON, JJ.

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W.P.(C) TMP No. 189 of 2020

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Dated this the 5th day of May, 2020

JUDGMENT

SHAJI P. CHALY, J

This Public Interest Litigation is filed by a social worker expressing concern over the closure of community kitchen within the limits of Kozhikode Corporation. According to the petitioner, due to the closure of the community kitchen, the fishermen are unable to maintain themselves due to the lock down restrictions and advisories issued by the State Government in the outbreak of Covid-19. It is also pointed out that eventhough many people approached the Corporation, they were not provided with food by the Corporation, especially due to the reason that community kitchen was closed.

2. However, learned Standing Counsel for the Corporation submitted that the Corporation is following the advisories and directives issued by the State Government with regard to the opening and closure of the community kitchen and no persons are

permitted to operate individually without the sanction of the District Administration and the Corporation. It is also pointed out that if any poor people are approaching the Corporation for food, necessary arrangements would be made by the Corporation in co-operation with the District Administration. Any how, the Ward member, Ward No. 66 of the Kozhikode Corporation has submitted Ext.P3 representation before the Secretary of the Corporation to alleviate the grievance of the poor fishermen, who are depending on the community kitchen.

3. Taking into account the factual circumstances and advisories and directives issued by the State Government, we are of the considered opinion that the Secretary of the Corporation can be directed to dispose of Ext.P3 representation submitted by the Ward Member. Therefore, there will be a direction to the Secretary of the second respondent to consider and to take a decision on Ext.P3 at the earliest possible. In the meanwhile, if any people who, are unable to secure food, approaches the Corporation or District Administration, there will be a direction to the Secretary of the Corporation as well as the District Administration to do the needful.

We make it clear that if the petitioner or any other social worker is interested in providing food, they are at liberty to contribute the same to the Corporation or the District Administration.

In view of the direction so issued, there is no requirement for keeping this writ petition pending. Accordingly, this writ petition is disposed of directing the Secretary of the Corporation to dispose of Ext.P3, and also direct the District Administration and the Corporation to take care of any poor persons who are approaching the Corporation or the District Administration seeking to provide necessary food.

SHAJI P. CHALY, JUDGE.

ASHOK MENON, JUDGE.

Rv

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True Copy of the stop memo issued by the second respondent dated 07.04.2020.

Ext.P2: True copy of the relevant page of the Malayala Manorama daily dated 09.04.2020.

Ext.P3: True Copy of the representation submitted by the 5th respondent ward counsellor pending before the second respondent dated 07.04.2020.

RESPONDENTS EXHIBITS: NIL

/True Copy/

PS to Judge.