

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE N. NAGARESH

FRIDAY, THE 23RD DAY OF OCTOBER 2020/1ST KARTHIKA, 1942

WP(C).No.10163 OF 2020(U)

PETITIONER:

SHRI. N.J.PAPPACHEN, S/O. M.O. JOSEPH,
60 YEARS, VILLA B3, KENT PARADISE,
MAY FIRST ROAD, THAMMANAM-682 032,
ERNAKULAM DISTRICT.

BY ADV. SMT. SREEKALA KRISHNADAS

RESPONDENTS:

- 1 THE POOTHADI GRAMA PANCHAYATH,
KENICHIRA P.O., WAYANAD-673 596,
REPRESENTED BY ITS SECRETARY.
EMAIL: POOTHADIGP@GMAIL.COM
- 2 THE DISTRICT COLLECTOR, WAYANAD,
NH 212, CIVIL STATION, KAIRALI NAGAR,
KALPETTA, WAYANAD, KERALA-673 122.
EMAIL: DCWAYANAD@GMAIL.COM
- 3 THE GOVERNMENT OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.

R1 BY ADV. SRI.P.C.SASIDHARAN

R2 BY GOVERNMENT PLEADER SMT. DEEPA NARAYANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23.10.2020, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J U D G M E N T

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Dated this the 23rd day of October, 2020

Petitioner is the owner of a Resort situated at Kenichira in Wayanad District. The 1st respondent took over the Resort for accommodating people under Covid observation. According to the petitioner, the take over is without fixing any terms and conditions. The Resort has a lot of maintenance work to be completed, including maintenance of pipeline. The petitioner is depending mainly on agricultural income of the farm wherein the Resort is situated. If the said premises is utilised as place for observation of Covid patients, none of the agricultural activities can be conducted in the premises, contends the petitioner. It is in such circumstances that the petitioner has approached this Court seeking to quash Ext.P5.

2. Learned Government Pleader, on instructions, submits that the District Administration has already handed over the keys of the Cottages in the Resort taken over, to the Panchayat and directed the Panchayat to handover the keys to the petitioner.

But, the petitioner is insisting that there should be a joint inspection and cleaning of the premises before returning possession of the Cottages to the petitioner.

3. Heard learned counsel for the petitioner, learned Government Pleader and learned Standing Counsel for the Panchayat.

4. As the Cottages were used for Covid care, it is necessary that the premises should be cleaned and disinfected following Covid protocol.

In the facts and circumstances of the case, the writ petition is disposed of directing the 1st respondent-Poothadi Grama Panchayat to clean and disinfect the premises of the petitioner following Covid protocol immediately and thereafter handover the keys to the petitioner. The entire exercise shall be done within a period of two weeks. Questions as to any other claims which the petitioner may have against the respondents, are left open.

Sd/-
N. NAGARESH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF CERTIFICATE OF REGISTRATION AND LICENSE FOR BOARDING AND LODGING HOUSING DATED 22.05.2019.
- EXHIBIT P2 TRUE COPY OF THE LETTER ISSUED BY THE FIRST RESPONDENT DATED 07.05.2020 WITH ENCLOSURE.
- EXHIBIT P3 TRUE COPY OF THE APPLICATION DATED 11.05.2020 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT PANCHAYATH.
- EXHIBIT P4 TRUE COPY OF THE REPRESENTATION DATED 19.05.2020 ISSUED BY THE PETITIONER.
- EXHIBIT P5 TRUE COPY OF THE LETTER DATED 20.05.2020 ISSUED BY THE FIRST RESPONDENT.
- EXHIBIT P9 COLOUR PHOTOTS OF THE RESORT BEFORE AND AFTER THE TAKE OVER OF THE PREMISES BY SECOND RESPONDENT
- EXHIBIT P10 TRUE COPY OF THE EMAIL SENT BY THE PETITIONER DATED 08.09.2020.
- EXHIBIT P11 TRUE COPY OF THE EMAIL SENT BY THE PETITIONER DATED 09.09.2020 ALONG WITH THE PHOTOS.

RESPONDENTS' EXHIBITS

- ANNEXURE R2 (a) TRUE COPY OF THE ORDER DATED 11.06.2020 ISSUED BY THE 2ND RESPONDENT
- ANNEXURE R2 (b) TRUE COPY OF G.O. (MS) NO.21/2020/DMD DATED 25.06.2020.
- ANNEXURE R2 (c) TRUE COPY OF G.O. (MS) NO.22/2020/DMD DATED 26.06.2020.