

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WA.No. 1319 of 2010 () IN WP(C).19508/2010

AGAINST THE JUDGMENT IN WP(C) 19508/2010 of HIGH COURT OF KERALA
DATED 22-07-2010

APPELLANT(S)/APPELLANT IN WPC:

P.MADHAVADAS, MEMBER
BEYPORE GRAMA PANCHAYATH, NORTH BEYPORE PO
CALICUT 673 015.

BY ADVS.SRI.A.SUDHI VASUDEVAN
SMT.K.PUSHPAVATHI
SRI.K.NANDAKUMAR

RESPONDENT(S)/RESPONDENTS:

-
1. PRINCIPAL SECRETARY TO THE GOVERNMENT
LOCAL SELF GOVERNMENT (EM) DEPT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
 2. DISTRICT COLLECTOR
KOZHIKODE
 3. SECRETARY
BEYPORE GRAMA PANCHAYATH, BEYPORE, KOZHIKODE.
 4. BEYPORE GRAMA PANCHAYATH,
REP BY ITS PRESIDENT, BEYPORE, KOZHIKODE.
 5. KOZHIKODE CORPORATION
REP BY ITS SECRETARY, KOZHIKODE.
 6. STATE OF KERALA REPRESENTED BY
THE CHIEF SECRETARY, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM

R3 & R4 BY ADV. SRI.B.S.SYAMANTHAK
R5 BY ADV. SRI.P.V.SURENDRANATH
R1, R2, R6 BY SR GOVT PLEADER SRI.M.K.ABOOBACKER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 31-03-2015, ALONG
WITH WA.1398/2010, 1598/2010, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

W.A.Nos.1319, 1398 & 1598 of 2010

Dated this the 31st day of March, 2015

JUDGMENT

Antony Dominic, J.

1. These writ appeals are filed against the judgment in W.P(C).Nos.19508/10, 18167/10 and 18543/10, filed challenging the proceedings initiated under section 4 of the Kerala Municipality Act, 1994 for the merger of Elathur, Cheruvannur-Nallalam and Beypore Grama Panchayats in the Kozhikode Corporation. By the judgment under appeal, learned single Judge dismissed the writ petitions. It is aggrieved by this judgment, these appeals are filed.

2. During the pendency of these appeals, Government have issued circular Nos.ഇഎം3/13(8)/2014/തസ്വഭവ and ഇഎം 3/13(9)/2014/തസ്വഭവ dated 25.1.2015, whereby, fresh proceedings have been initiated under section 4 of the Act. It is also informed that on the proposals contained in the said notifications, objections were invited and parties were heard by the Government on 11th, 12th and 13th of March, 2015. This, therefore, means that the cause of action on the basis of which

the writ petitions in question were filed no longer survives and that cause of action, if any, for the appellants or anybody else can arise only after final orders are passed on the proposals initiated by the Government in pursuance of the notifications mentioned above.

In the aforesaid circumstances, these writ appeals are disposed of leaving it open to the parties to work out their remedies in case they are aggrieved by the final orders to be passed by the Government on the proposals now initiated under section 4 of the Act as per the notifications mentioned above.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ALEXANDER THOMAS, Judge.

k kb.

/True copy/

PS to Judge