



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Purathoor Grama Panchayath - Judgment in WP(C) 31630/2012 filed by Sri. K.K. Sasidharan, Kadalikkattil House, Via Thirur - Compliance of Court direction --Orders Issued

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LOCAL SELF GOVERNMENT (RB) DEPARTMENT

G.O.(Rt) No. 1173/2013/LSGD

Thiruvananthapuram, Dated, 27.4.2013

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- Read:-
1. Judgment dated 11/01/2013 in WP(C) 31630/2012 filed by Sri. K.K. Sasidharan.
  2. Order dated 12/01/2012 in RP.No.49/10 of Hon. Ombudsman for Local Self Government Institutions
  3. Representation dated 30/7/2012 from Sri. K.K. Sasidharan, Kadalikkattil House, V ia Thirur, Malappuram.
  4. Lr.No.A1/2416/2012 dated 19/12/2012 from the Secretary, Purathoor Grama Panchayath, Purathoor
  5. Government Letter No.61916/RB3/2012/LSGD dtd 18/1/2013.

ORDER

The Honourable High Court, in its judgment read as 1<sup>st</sup> paper above had directed the first respondent to consider Ext.P15 representation in accordance with law and to pass appropriate orders thereon, as expeditiously as possible within a period of two months of the date of receipt of a copy of judgment.

In the order read as 2<sup>nd</sup> paper above , the Hon'ble Ombudsman has ordered that, the power to relax Section 220 (b) is very much with the Government and the panchayath can also recommend the case to Government for exemption. Further, the Hon'ble Ombudsman directed the panchayath to conduct an enquiry in the above matter and take a decision within two months from the date of receipt of a copy of the order. As such the petitioner had submitted the Exhibit P15 representation read as 3<sup>rd</sup> paper above to Government. The Exhibit P15 representation was received in Government on 19/10/2012. As per the letter read as 4<sup>th</sup> paper above the Secretary, Purathoor Grama Panchayath, has reported that, the Purathoor Grama Panchayath committee meeting held on 15/05/2012 examined the request of Sri. K.K Sasidharan and rejected the same vide decision No. VI/7, since the

construction of the petitioner is by the side of PWD road and the minimum distance has not provided from the boundary of the road. Therefore the said construction is not in conformity with Section 220 (b) of KPR Act. On the basis of the report of the Secretary Purathoor Grama Panchayath, Government had rejected the Exhibit P15 representation vide Government letter read as 5<sup>th</sup> paper above.

After rejecting the Exhibit P15 representation Government have received the copy of the Judgment read as 1<sup>st</sup> paper above on 05/03/13. On receipt of the copy of the judgment, Government have re examined the matter. Since there is no power vested in Government to relax in Section 220(b) of KPR Act, Government is not in a position to consider the exhibit P15 representation of the petitioner again. Hence the exhibit P15 representation of Shri.K.K. Sasidharan is rejected in due compliance to the direction contained in Judgment dated 11/01/2013 in WP(C)No.31630/12.

By Order of the Governor  
Dr.Rajan Khobragade,  
Secretary to Government

To

Shri/ K.K. Sasidharan, Kadalikkattil House, V ia Thirur, Purathoor P.O,  
Pin 676 102 Malappuram.

The Advocate General, Kerala Ernakulam(with covering letter)

The Secretary Purathoor Grama Panchayath, Purthoor, Thirur 676 102

stock file /O/C

Forwarded/By order,

  
Section Officer