



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Judgment of Hon'ble High Court of Kerala dated 02/03/2017 in WP(C) 4703/17 filed by Shri Pathiyoor Nazar and others – Complied with - Orders issued.

LOCAL SELF GOVERNMENT (DA) DEPARTMENT

G.O.(Rt)No.1500/2017/LSGD.

Dated, Thiruvananthapuram, 09.05.2017

Read :- (1) Judgment dated 02/03/2017 in WPC(C) 4703/17 filed by Shri Pathiyoor Nazar and others
(2) G.O.(Rt.) No. 1159/2017/LSGD dated 15.04.17
(3) Letter No.J1-10011/17 dated nil from the Director of Panchayat, Thiruvananthapuram

ORDER

Shri Pathiyoor Nazar and others filed WP(C) 4703/17 before the Hon'ble High Court challenging the decision taken by the present Managing committee of the Pathiyoor Grama Panchayath to transfer/allocate the funds which was set apart for the construction of Homeo Hospital building for re-tarring and maintenance of roads. The Hon'ble High Court in its judgment read above directed the 1st respondent (Secretary to Government, Local Self Government Department) to consider and pass orders on Ext.P5 petition within a period of one month from the date of receipt of a copy of the judgment after hearing the petitioners. Exbt. P5 is the petition filed before the Government under section 191 of the Kerala Panchayat Raj Act against Ext P1 resolution taken by the Managing Committee of the Pathiyoor Gramapanchayath to the extent it transfers/allocates the funds which has been sanctioned for the construction of Homeo hospital building and utilising the said funds for re-tarring and maintenance of roads.

2) As directed in the judgment dated 02/03/2017 a personal hearing was scheduled on 17.04.17. But the petitioners' advocate intimated their inconvenience in attending the hearing on 17.04.17. Based on the request of the petitioner hearing has been postponed to 29.04.2017.

3) Panchayath Secretary and the representative of Panchayath Director attended the hearing. But petitioners didn't turn up the hearing. Panchayath Secretary and the representative of Panchayath Director have pointed out that the fund meant for Homeo Hospital building was set apart for re-tarring and maintenance of roads since the construction of the Homeo Hospital building cannot be completed within time limit stipulated by the World Bank and subsequently it was decided to utilise the Asset Development Scheme of M.L.A for Hospital building construction. Accordingly an amount of Rs.30 lakhs has been set apart from the LAC ADS fund of Kayamkulam MLA vide G.O. read as second paper above for Hospital building construction.

4) As directed by the Hon'ble High Court the matter has been examined with reference to the documents furnished by the Panchayath Secretary and representative of the Panchayath Director during the hearing and also that Administrative Sanction for constructing Hospital building has already been issued. Hence the prayer of the petitioners is hereby declined. The judgment read above is complied with accordingly.

By Order of the Governor
A.K. Mohanakumar
Joint Secretary to Government

To

Sri.Pathiyoor Nazar, Puthethu House, Pathiyoor West, Pathiyoor Village, Alappuzha-690508
Sri.P.D.Sunil, S/o Diwakara Panicker, Pinchinattu House, Karuvattamkuzhi,
Kareelakulangara P.O., Alappuzha

Sri.N.Rajashekar Pillai, S/o Narayana Pillai, Mulammoottil House, Pathiyoor East,
Alappuzha District

Sri.Rajan, S/o Kattappan, K.A.NIVAS, Pathiyoorkkala, Keerikkad P.O., Alappuzha

Smt.Ajitha, W/o Ravi, Pappadiyil House, Pathiyoor East, Alappuzha

Smt. Veena, W/o Jayakumar, Aanjilimoottil House, Ramapuram, Keerikkad P.O, Pathiyoor
Alappuzha

Smt. Usha, D/o Balakrishnan Nair, Thundil Thekkethil, Evoor South, Keerikkad P.O.,
Pathiyoor, Alappuzha

The Advocate General, Ernakulam (with C/L)

The Director of Panchayat, Thiruvananthapuram

The Project Director, KLGSDP, Thiruvananthapuram

The Secretary, Pathiyoor Grama Panchayat, Alappuzha

The Principal Accountant General (Audit) Kerala, Thiruvananthapuram

The Accountant General (A&E) Kerala, Thiruvananthapuram

The Executive Chairman & Director, IKM, Thiruvananthapuram

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Forwarded/By Order,



Section Officer.