

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
Monday, the 26th day of July 2021 / 4th Sravana, 1943
WP(C) NO. 14830 OF 2021 (C)

PETITIONER:

THE PRESIDENT, AL MADRASATHUL ULoomiya, MINICOY, UNION TERRITORY OF LAKSHADWEEP-682 559.

RESPONDENTS:

1. UNION TERRITORY OF LAKSHADWEEP, REPRESENTED BY ITS ADMINISTRATOR, OFFICE OF THE LAKSHADWEEP ADMINISTRATOR, KAVARATTI-682 555.
2. THE ADMINISTRATOR, UNION TERRITORY OF LAKSHADWEEP, OFFICE OF THE LAKSHADWEEP ADMINISTRATOR, KAVARATTI=682 555.
3. THE DEPUTY COLLECTOR, UNION TERRITORY OF LAKSHADWEEP, MINICOY ISLAND-682 559.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim order staying the operation of Exhibit P5 and all proceedings pursuant thereto, pending disposal of the writ petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI.P.DEEPAK, Advocate for the petitioner and of STANDING COUNSEL for respondents, the court passed the following:



EXT.P5: A TRUE COPY OF SHOW CAUSE NOTICE DATED 16.07.2021 ISSUED TO THE PETITIONER.

EXT.P7: A TRUE COPY OF THE OBJECTION DATED 23.07.2021.



RAJA VIJAYARAGHAVAN V, J.

W.P.(C) No.14830 of 2021

Dated this the 26th day of July, 2021

ORDER

Admit. The learned standing counsel appearing for the Lakshadweep Administration takes notice for the respondents.

2. I have heard Sri.P. Deepak, the learned counsel appearing for the petitioner and the learned standing counsel.

3. It is submitted by the learned counsel that the 3rd respondent has not been conferred any powers under the Laccadive, Minicoy and Aminidivi Islands Land Revenue and Tenancy Regulations, 1965 to cause the issuance of Ext.P5. It is further submitted that the petitioner has been allotted land under Regulation 14(2) of the Regulations and hence, he cannot be categorised as a person occupying pandaram land without lawful authority. Finally, it is submitted that on the strength of Ext.P5 notice, a madrasa building has been earmarked for demolition. Placing reliance on the judgment of the Apex Court in **Submiller India Ltd. v. Union of India and Another** [2019 (2) KHC 484], it is argued that challenge can be raised even against a show-cause notice if the authority concerned transgresses the limits of its jurisdiction.

4. The learned standing counsel submits that the petitioner has filed Ext.P7 notice before the competent authority and in that view of the matter, it is for him to pursue the matter and raise all his contentions.

5. I have considered the submissions advanced. The petitioner has challenged the authority of the 3rd respondent in issuing Exts.P5 notice and have also filed a detailed objection as is evident from Ext.P7. In that view of the matter, it is for the petitioner to raise all their legitimate legal contentions including the lack of authority of the 3rd respondent. The said respondent shall consider the materials produced by the petitioner and take a decision in consonance with law after affording him an opportunity of being heard.

6. The respondents shall bring on record their counter affidavit within a period of four weeks. Till such time, the respondents shall not make any attempt to interfere with the possession of the petitioner over the madrasa which is the subject matter of Ext.P5 notice nor shall they demolish any structures.

Post after ten days.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE**

ps/26/7/2021