



2025:KER:16753

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

THURSDAY, THE 27TH DAY OF FEBRUARY 2025 / 8TH PHALGUNA, 1946

WP(C) NO. 5407 OF 2019

PETITIONER:

**ROSNA V, AGED 25 YEARS,
D/O. ABDUL KHADER @ BAPPU,
VADAKKAYIL HOUSE, PANANGATTOOR P.O,
TANUR 676 302, MALAPPURAM DISTRICT.**

**BY ADVS.
SRI.T.G.RAJENDRAN
SRI.T.R.TARIN**

RESPONDENTS:

- 1 THE DISTRICT COLLECTOR,
MALAPPURAM 676 505.**
- 2 THE SECRETARY,
TANUR MUNICIPALITY, TANUR P.O 676 302.**
- 3 THE DISTRICT AKSHAYA CENTRE OFFICER,
MALAPPURAM 676 505.**
- 4 THE DISTRICT PROJECT MANAGER,
AKSHAYA DISTRICT PROJECT OFFICE AND DISTRICT
E-GOVERNANCE SOCIETY, MALAPPURAM 676 505.**
- 5 ZAMEER V.P,
CYBER ZONE, CITY MARKET,
BEACH ROAD, TANUR, MALAPPURAM 676 302.**
- 6 SAJI P,
SREERANGAM, MEENADATHUR,
THANALAOOR, MALAPPURAM 676 505.**



W.P.(C)NO.5407 of 2019

2

2025:KER:16753

7 KUMARAN K,
KIRTHIYANGATTIL HOUSE,
TANUR P.O, MALAPPURAM 676 302.

OTHER PRESENT:

SRI E G GODEN SR GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

The petitioner is stated to be a running an Akshaya Centre at Kunnumpuram at Tanur Block. Placing reliance on Ext.P1 decision of the Tanur Municipal Council, the petitioner sought for shifting of the afore Akshaya Center, as prayed for in Ext.P2. The 3rd respondent disposed of Ext.P2 making reference to G.O.(Rt)No.267/13/ITD dated 19.11.2013, holding that there cannot be two Akshaya Kendra's within a radius of 2kms and the prayer made in Ext.P2 violates the afore criteria.

2. It is in the afore circumstances that the captioned writ petition is filed by the petitioner challenging Ext.P3.

3. I have heard the learned counsel for the petitioner and Sri.E.G.Gorden, the learned Senior Government Pleader for the respondents herein.

4. It is noticed that Annexure R4(b) Government Order dated 19.11.2013, referred to in Ext.P3 states that a minimum distance of 2kms is to be maintained between two Akshaya Centers. Insofar as Ext.P3 has only followed the afore Government Order, I am of the opinion that the same



cannot be found fault with .

5. In such circumstances, I am of the opinion that, the petitioner is not entitled for the reliefs as prayed for in this writ petition.

6. Resultantly, this writ petition would stand dismissed.

However, taking note of the submission made by the learned counsel for the petitioner that, there are other Akshaya Centers functioning within the area forbidden under Ext.R4(b) and no coercive steps have been taken against such Akshaya centers, I permit the petitioner to file an appropriate representation to the Government, seeking variation of Ext.R4(b) and it is for the Government to consider such a representation, if filed, in accordance with law.

Sd/-
HARISANKAR V. MENON
JUDGE

ANA



APPENDIX OF WP(C) 5407/2019

PETITIONER EXHIBITS

- | | |
|-------------------|---|
| EXHIBIT P1 | TRUE COPY OF THE DECISION OF TANUR
MUNICIPALITY COUNCIL DATED 16-12-2015 |
| EXHIBIT P2 | TRUE COPY OF THE REPRESENTATION SENT BY THE
PETITIONER BEFORE THE 3RD RESPONDENT |
| EXHIBIT P3 | TRUE COPY OF THE ORDER OF THE 2ND
RESPONDENT DATED 13-1-2016 |
| EXHIBIT P4 | COPY OF THE CIRCULAR ISSUED BY THE 4TH
RESPONDENT ON 3-10-2017 |
| EXHIBIT P5 | COPY OF THE JUDGMENT DATED 6-12-2017 IN
WP(C) NO. 3853/2016 OF THIS HON'BLE COURT. |
| EXHIBIT P6 | COPY OF THE GOVERNMENT ORDER DATED 19-11-
2013. |

RESPONDENT EXHIBITS

- | | |
|-----------------------|--|
| ANNEXURE R4(A) | A TRUE COPY OF THE AGREEMENT DATED
21.05.2015 EXECUTED BY THE PETITIONER. |
| ANNEXURE R4(B) | TRUE COPY OF THE G.O(Rt)NO.267/2013/ITD
DATED 19.11.2013. |
| ANNEXURE R4(c) | TRUE COPY OF THE G.O(Rt)NO.171/2013/ITD
DATED 19.11.2013. |
| ANNEXURE R4(D) | TRUE COPY OF THE LETTER NO.AKS/005/16 ON
13.01.2016. |
| ANNEUXRE R4(E) | TRUE COPY OF THE SHOW CAUSE NOTICE DATED
08.08.2017. |
| ANNEXURE R4(F) | TRUE COPY OF LETTER ISSUED BY THE
PETITIONER DATED NIL. |
| EXHIBIT R4 (G) | TRUE COPY OF THE LETTER NO.R3/6636/2017
DATED 22.08.2017. |