

Kerala High Court

K.A.Abootty haji vs District Collector on 25 March, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 3907 of 2009(M)

1. K.A.ABOOTTYHAJI

... Petitioner

Vs

1. DISTRICT COLLECTOR, KANNUR

... Respondent

2. SECRETARY

3. SECRETARY AND CHAIRMAN OF ART OF AND

4. SIVAPURAM JAMA-ATH COMMITTEE

5. C.ABOOTTY HAJI

6. THIRUVANGADAN LATHEEF

For Petitioner :SRI.V.V.ASOKAN

For Respondent :SRI.R.SURENDRAN

The Hon'ble MR. Justice ANTONY DOMINIC

Dated :25/03/2010

O R D E R

ANTONY DOMINIC, J.

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W.P.(C) NO. 3907 OF 2009 (M)

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Dated this the 25th day of March, 2010

J U D G M E N T

The prayer sought in this writ petition is to direct respondents 1 to 3 to take steps to preserve the mosque- Sivapuram Jama Ath as an ancient monument and to prevent its demolition. Further direction requiring respondents 1 to 3 to issue necessary proceedings forbearing respondents 4 to 6 from demolishing or in any way disturbing the basic structure of the mosque is also sought for.

2. The writ petition was filed on the basis that the mosque is an ancient monument. In order to ascertain the correctness of this assertion of the petitioner, this Court by order dated 18th of March, 2009 directed the 3rd respondent to get the mosque inspected by the Archaeological Department of the Government of Kerala and to report whether the mosque is of any archaeological importance. In compliance with the said order, an inspection was conducted by Sri.B..Balamohan, Documentation Officer, Archaeological Museum, Trichur and his report is Ext.R3

(a). Based on the above report, the Director in charge of the WPC No. 3907/09 Department of Archeology has submitted his letter dated 8/6/09 to the Government of Kerala to the effect that the mosque in question is not having any archaeological importance.

3. Now that the expert opinion suggests that the mosque is not having any archaeological importance, the premise on which the writ petition has been filed has been proved to be incorrect. If that be so, there arise no question of issuing any direction as sought for by the writ petitioner.

Writ petition is therefore only to be dismissed, and I do so.

ANTONY DOMINIC, JUDGE Rp