

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

Monday, the 2<sup>nd</sup> day of December 2024 / 11th Agrahayana, 1946  
WP(C) NO. 41377 OF 2024(V)

**PETITIONER:**

MARTHA JACOB AGED 70 YEARS D/O M.V KORATH (LATE), 28/2870, VIKAS  
NAGAR, ELAMKULAM, KADAVANTHARA, ERNAKULAM , PIN - 682020.

**RESPONDENTS:**

1. STATE OF KERALA LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM REPRESENTED BY THE SECRETARY, PIN -  
695001.
2. THE KOCHI MUNICIPAL CORPORATION, PARK AVENUE ROAD, MARINE DRIVE,  
KOCHI, ERNAKULAM DISTRICT REPRESENTED BY THE SECRETARY, PIN -  
682011.
3. THE SECRETARY THE KOCHI MUNICIPAL CORPORATION, PARK AVENUE ROAD,  
MARINE DRIVE, KOCHI, ERNAKULAM DISTRICT , PIN - 682011.

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 direct the 2nd respondent herein to nominate a competent  
official as the custodian of the Advanced Directives/Living Wills and  
thereafter accept Ext.P2, pending disposal of the above Writ Petition  
(Civil).

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  
M/S. JIKKU SEBAN GEORGE, DEEPTI SUSAN GEORGE, BABITHA BABU Advocates for  
the petitioners, and of Standing Counsel, the court passed the following:

**C.S.DIAS,J**

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**W.P.(C) No. 41377 of 2024**  
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**Dated this the 02<sup>nd</sup> day of December, 2024**

**ORDER**

The writ petition is filed to direct the 2<sup>nd</sup> respondent/  
The Kochi Municipal Corporation to nominate a  
competent officer as a custodian of the Ext.P2/ advance  
directive / living will executed by the petitioner. The  
petitioner's case is that, she has executed Ext.P2 living  
will as per the directions of the Hon'ble Supreme Court  
in ***Common Cause(A registered Society) v. Union of  
India and Another***, [2023 Livelaw (SC) 79]. But, the 2<sup>nd</sup>  
respondent has not nominated a competent officer, even  
though, Ext.P1 judgment was passed as early as on  
24.01.2023. The petitioner has suffered a stroke and is  
apprehensive about her future. Therefore, the petitioner  
seeks an ad-interim order to direct the 2<sup>nd</sup> respondent to  
nominate a competent officer, notwithstanding any  
directions issued by the 1<sup>st</sup> respondent in the said  
regard .

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2. On a consideration of the facts and the materials on record, and taking note of the fact that the directions of the Hon'ble Supreme Court in Ext.P1 was passed as early as on 24.01.2023 and petitioner's precarious medical condition, I am satisfied that the petitioner has made out a prima facie case for one an ad-interim order. Hence, I am of the view that the 2<sup>nd</sup> respondent is to be directed to forthwith nominate a competent officer, to enable the petitioner to deposit Ext.P2 living will with the said officer.

In the result, the 2<sup>nd</sup> respondent is directed to nominate a competent officer within a week from today. Immediately on such nomination, the petitioner would be at liberty to deposit a copy of Ext.P2 living will with the said officer. The respondents will be at liberty to file their objection/counter affidavit/statement, if any.

Post on 07.01.2025

H/o  
SCB

**Sd/-**  
**C.S.DIAS**  
**JUDGE**

**APPENDIX OF WP(C) 41377/2024**

**Exhibit P1**

**TRUE COPY OF COMMON CAUSE (A REGD. SOCIETY) V. UNION OF INDIA AND ANOTHER, 2023 LIVELAW (SC)79 DATED 24.01.2023.**

**Exhibit P2**

**TRUE COPY OF THE NOTORISED LIVING WILL DATED 14.09.2023**

