

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE C.S.DIAS

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

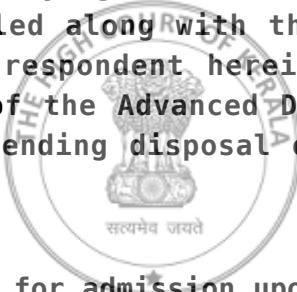
PETITIONER:

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

W.P.(C) No. 41377 of 2024

Dated this the 02nd day of December, 2024

ORDER

The writ petition is filed to direct the 2nd 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 2nd 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 2nd respondent to nominate a competent officer, notwithstanding any directions issued by the 1st 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 2nd 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 2nd 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

Sd/-

H/o
SCB

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

