

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

WP(C).No. 35511 of 2014 (L)

PETITIONER:

MATHEW C T, AGED 74 YEARS
S/O. CHERUVATHOOR THAVU, KUNNAMKULAM
THRISSUR DISTRICT.

BY ADV. SRI. G. SREEKUMAR (CHELUR)

RESPONDENT(S):

1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANATHAPURAM.
2. THE KUNNAMKULAM MUNICIPALITY
REPRESENTED BY ITS SECRETARY, KUNNAMKULAM
THRISSUR DISTRICT.

R1 BY GOVERNMENT PLEADER SMT. C. K. SHERIN
BY SRI. RAJIT, SC, KUNNAMKULAM MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-12-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1.A TRUE COPY OF THE LICENSE FOR EXHIBITION ISSUED BY THE 2ND
RESPONDENT DATED 21/5/2014.
EXT.P2.A TRUE COPY OF THE PROVISIONAL ORDER ISSUED BY THE 2ND
RESPONDENT DATED 10/7/2014.
EXT.P3.A TRUE COPY OF THE REPLY OF THE PETITIONER DATED 21/7/2014.
EXT.P4.A TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT
DATED 16/8/2014.
EXT.P5.A TRUE COPY OF THE REPLY OF THE PETITIONER DATED 23/9/2014.
EXT.P6.A TRUE COPY OF THE ORDER DATED 29/11/2014 OF THE 2ND
RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.S.TO JUDGE

dsn

ANIL K.NARENDRA, J

W.P.(C)No.35511 Of 2014

DATED THIS THE 30th DAY OF DECEMBER, 2014

JUDGMENT

The petitioner runs a cinema theatre. Proceedings were initiated against the petitioner based on Exhibits P2 and P4 and thereafter by Exhibit P6 alleging unauthorised construction in the theatre complex. Now the petitioner has filed this Writ Petition challenging Exhibits P2, P4 and P6 orders passed by the respondent-Panchayat.

2. If the petitioner is aggrieved by Exhibit P6, the remedy available to the petitioner is to file an appeal before the Tribunal for Local Self Government Institutions. In such circumstances, this Writ Petition is dismissed as not maintainable. However, at the request of the learned counsel for the petitioner, the petitioner is granted 10 days' time to file statutory appeal before the Tribunal for Local Self Government Institutions challenging Exhibit P6 order and to seek appropriate interim relief.

All further proceedings pursuant to Exhibit P6 shall be kept in abeyance for a period of two weeks so as to enable the petitioner to approach the Tribunal and obtain appropriate interim relief.

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn