

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

RP.No. 441 of 2015

JUDGMENT DATED 12-05-2015 IN WP(C) 14275/2015
.....

REVIEW PETITIONER(S)/NOT PARTY TO THE WP(C):

**S.A SHAIK MUHAMMED SHABEER, AGED 46 YEARS,
S/O.SHAIK ABDUL KHADER, HOUSE NO.36/412 A,
ST.FRANCIS CHURCH CROSS ROAD, KALOOR,
ERNAKULAM, PIN - 682 017.**

**BY ADVS.SRI.S.P.PARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND**

RESPONDENT(S)/PETITIONER & RESPONDENTS IN WP(C):

- 1. K.K IBRAHIMKUTTY, AGED 65 YEARS,
S/O.KHADHER, KATTUNKAL HOUSE,
ELAMAKKARA, SWAMIPADI, KOCHI P.O.,
ERNAKULAM, PIN - 683 542.**
- 2. CORPORATION OF COCHIN,
REPRESENTED BY ITS SECRETARY,
KOCHI - 682 011.**
- 3. THE SECRETARY, CORPORATION OF COCHIN,
ERNAKULAM, PIN - 682 011.**

**R1 BY ADVS. SRI.P.K.SURESH KUMAR (SR.)
SRI.P.U.ZIYAD
R2 & R3 BY ADVS. SRI.P.K.SOYUZ, SC
SRI.T.U.ZIYAD**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
04-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

RPNo. 441 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE I: TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER AND THE ANOTHER PERSON BEFORE THE CORPORATION ON 12.3.2015.

ANNEXURE II: TRUE COPY OF MASS PETITION 25.3.2013 FILED BEFORE CORPORATION.

ANNEXURE III: TRUE COPY OF THE APPLICATION DTD.20.3.2015 FILED BY THE PETITIONER BEFORE THE CORPORATION UNDER THE RIGHT TO INFORMATION ACT 2005.

ANNEXURE IV: TRUE COPY OF LETTER NO.MOH8/PIO/9417/15 DTD.18.4.2015 OF THE PUBLIC INFORMATION OF THE CORPORATION.

ANNEXURE V: TRUE COPY OF OFFICE NOTE ISSUED TO THE PETITIONER PURSUANT TO ANNEXURE IV.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

R.P.No. 441 of 2015 and
W.P.(C) No. 14275 of 2015

Dated this the 4th day of June, 2015

O R D E R

The review petitioner, a third party to the writ petition, aggrieved by the direction in the judgment in the writ petition staying the operation of Ext.P4 has approached this Court with this review petition. It is submitted that the review petitioner along with others is the complainant before the Corporation. The writ petitioner approached this Court for staying the operation of Ext.P4 and disposal of the appeal filed by the writ petitioner against closure by the Corporation. The review petitioner submits that the disposal of the writ petition, without hearing him, is illegal and the patent injustice has been caused to him.

2. Considering the submission made as above, the review petition is allowed and the judgment is reviewed and restored.

3. However, Ext.P4 in the writ petition shall not be enforced for a period of one week.

4. The Secretary, Corporation of Cochin shall depute a competent Officer under him to inspect and report about the nuisance alleged on account of the operation of the business unit of the writ petitioner.

Post the writ petition on 8.6.2015.

Sd/-

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/