

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No. 7963 of 2005 (W)

PETITIONER(S) :

**P.O.JOSE, MANAGING PARTNER,
JANATHA TRADING CORPORATION, CHALIKKAVATTAM,
VYTTILA, ERNAKULAM.**

**BY ADVS.SRI.M.P.ASHOK KUMAR
SMT.K.P.SREELAJA**

RESPONDENT(S) :

- 1. CORPORATION OF COCHIN,
REPRESENTED BY ITS SECRETARY.**
- 2. THE HEALTH INSPECTOR, CIRCLE - 13,
VYTTILA, COCHIN - 11.**
- 3. SRI. MANISANKAR, CORPORATION COUNCILOR,
DIVISION NO.XXX, CHALIKKAVATTAM, COCHIN.**

R1 & R2 BY ADV. SRI.K.ANAND, S.C

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: THE PHOTOCOPY OF THE CERTIFICATE OF REGISTRATION
ISSUED BY THE ASSISTANT COMMISSIONER (ASSESSMENT)
COMMERCIAL TAX OFFICE, MATTANCHERY DATED 25.07.1986.**
- EXT.P2: THE PHOTOCOPY OF THE REGISTRATION CERTIFICATE
DATED 20.12.2004 ISSUED BY THE ASST.LABOUR OFFICER.**
- EXT.P3: THE PHOTOCOPY OF THE LICENSE-DATED 17.02.2005.**
- EXT.P4: THE PHOTOCOPY OF THE IDENTITY CARD OF SRI.ROY JOSEPH.**
- EXT.P5: THE PHOTOCOPY OF THE IDENTITY CARD OF SRI.P.V.SUNNY.**
- EXT.P6: THE PHOTOCOPY OF THE IDENTITY CARD OF SRI.P.E.MARTIN.**
- EXT.P7: THE PHOTOCOPY OF THE INTERIM ORDER IN W.P(C).NO.6454/05
DATED 24.02.2005.**
- EXT.P8: THE PHOTOCOPY OF THE FIR.**
- EXT.P9: THE PHOTOCOPY OF THE CLOSURE NOTICE DATED 04.03.2005.**
- EXT.P10: THE PHOTOCOPY OF THE NOTICE DATED 04.03.2005.**
- EXT.P11(A TO C): THE PHOTOGRAPHS SHOWING LOCATION OF THE ROAD
AND THE PREMISES OF THE SHOP ROOM.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ANIL K.NARENDRA, J

W.P.(C)No.7963 of 2005

DATED THIS THE 20th DAY OF MAY, 2015

JUDGMENT

The petitioner is engaged in the distribution and supply of cement and other building materials in a building bearing number XXX/2011 C at Chalikkavattam in Ernakulam district. He has approached this Court in this writ petition aggrieved by Ext.P9 notice issued by the Health Inspector of the Corporation of Kochi, the second respondent herein and also Ext.P10 intimation issued by the Secretary of the Corporation. In Exts.P9 and P10 it is alleged that the petitioner is carrying out distribution and supply of cement and other building materials in the building in question without obtaining necessary licence from the Corporation and that he has also not obtained NOC from the Kerala State Pollution Control Board.

2. By order dated 11.3.2005, this Court granted stay of operation of Exts.P9 and P10 for a period of three weeks and the said interim order was extended until further orders on 15.6.2005.

3. Today when the case is taken up for final hearing, the learned counsel for the petitioner submitted that the petitioner is conducting distribution and supply of cement and other building materials in the building in question on the strength of necessary licence/permission

issued by the Corporation of Kochi and other statutory bodies without giving room for complaint from any corner and that the third respondent against whom personal allegations are made in the writ petition is no more the Councillor of Ward No.XXX of Corporation of Kochi. In such circumstances, the learned counsel for the petitioner submits that no further orders are necessary in this writ petition and the same can be closed.

Recording the above submission made by the learned counsel for the petitioner, the writ petition is closed. But it is made clear that if the petitioner is conducting distribution and supply of cement and other building materials without obtaining necessary licence/permission/consent from the Corporation of Kochi or other statutory bodies, it would be open to the Corporation to proceed against him, in accordance with law, with due notice to him.

Sd/-

ANIL K.NARENDRA, JUDGE

dsn