

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE**

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WA.No.778 of 2015

(AGAINST THE ORDER DATED 24-03-2015 IN WP(C) 9403/2015).

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APPELLANT/PETITIONER:

**JAMA-ATH COUNCIL SOCIAL WELFARE TRUST,
DWARAKA,BEACH ROAD,ALAPPUZHA-688001,
REPRESENTED BY ITS CHAIRMAN,NAZEER PUNNAKKAL,
AGED 49 YRS,S/O.ABDUL AZEEZ,PUNNAKKAL,
VALIAMARAM WARD,ALAPPUZHA.**

BY ADV.SRI.P.SHANES METHAR

RESPONDENTS/RESPONDENTS:

- 1. THE ALAPPUZHA MUNICIPALITY,M.O.WARD,
ALAPPUZHA,REPRESENTED BY ITS SECRETARY-688001.**
- 2. THE SECRETARY,ALAPPUZHA MUNICIPALITY,
M.O.WARD,ALAPPUZHA -688001.**
- 3. MOLLY KURIEN,W/O.KURIEN,KALAVARA VEETIL,
KAYAL CHIRAYIL,ZILLA COURT WARD,ALAPPUZHA-688001.**

R1&R2 BY SRI.AZAD BABU,SC,ALAPPUZHA MUNICIPALITY

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 01-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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**ASHOK BHUSHAN, CJ
& A.M.SHAFFIQUE, J.**

W.A.No.778 of 2015

Dated this the 1st day of April 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the appellant as well as the learned counsel for the respondents.

2. This writ appeal has been filed by the writ petitioner challenging the interim order dated 24/03/2015 passed in W.P.C.No.9403/2015. The learned counsel for the appellant submits that he has prayed for an interim order directing the Municipality not to grant trade licence to the private respondents. However, the learned Single Judge only directed that if trade licence is granted, that shall be subject to the outcome of the writ petition. The learned counsel for the appellant submits that the granting of trade licence to such a building is contrary to the statutory provisions of Section 242(5) of the Kerala Municipality Act.

3. Admittedly, no trade licence has yet been granted by the Municipality. The issues sought to be raised in the writ petition are yet to be examined. We do not find any error in the order of the learned Single Judge making the grant of trade licence subject to the outcome of the writ petition. The learned Single Judge did not commit any error in exercising his jurisdiction to pass a limited interim order.

The writ appeal is dismissed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

