

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WA.No.1718 of 2015 IN WP(C).2372/2015

AGAINST THE JUDGMENT IN WP(C) 2372/2015 of HIGH COURT OF KERALA DATED
06-07-2015

APPELLANT/PETITIONER IN THE WPC:

THRESSIA VARGHESE AGED 80 YEARS
W/O LATE VARGHESE, MADATHIPARAMBIL HOUSE, MANJUMMEL
ERNAKULAM

BY ADVS.SRI.AUGUSTINE JOSEPH
SRI.K.S.ROCKEY
SRI.TONY AUGUSTINE
SRI.GEORGE RENOY

RESPONDENTS/RESPONDENTS IN THE WPC:

1. THE ELOOR MUNICIPALITY
REPRESENTED BY ITS SECRETARY, UDYOGAMANADAL
ERNAKULAM 683 501
2. BABU
X1X/314 (X-46), MADATHILPARAMBIL HOUSE, MANJUMMEL
ERNAKULAM

R2 BY ADV.SRI.VIPIN VARGHESE
R1 BY ADV.SRI.R.SANJITH
R1 BY ADV.SMT.C.S.SINDHU KRISHNAH
BY SRI.P.P.THAJUDEEN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 15-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

*** * * * ***

W.A.No.1718 of 2015

Dated this the 15th day of September 2015

J U D G M E N T

Shaffique, J

Petitioner in W.P.C.No.2372 of 2015 has filed this appeal challenging the judgment dated 06/07/2015 by which the learned Single Judge, without passing any orders in the matter, permitted the petitioner to approach the Tribunal for Local Self Government Institutions.

2. The facts involved in the writ petition would indicate that the petitioner had filed the writ petition inter alia contending that the 2nd respondent is conducting a butcher shop and is slaughtering animals without any licence or permission from the 1st respondent Municipality and that despite the complaints received, no action has been taken in the matter.

3. It was pointed out by the 1st respondent/Municipality that they have already issued a stop memo against the 2nd respondent. However, the 2nd respondent has preferred an appeal

before the Tribunal for Local Self Government Institutions. The learned counsel for the petitioner/appellant submits that since there is no interim order passed by the Tribunal, the learned Single Judge ought to have restrained the 2nd respondent from conducting the butcher shop/slaughter house.

4. The learned counsel for the 2nd respondent submits that he is not conducting the butchery shop, as matters stand now.

5. It cannot be disputed that in the absence of any licence/permission from the Municipality, it may not be possible for any person to conduct butcher shop/slaughter house. That apart, as matters stand now, Municipality has already issued stop memo. Though the matter has been taken up before the Tribunal for Local Self Government Institutions, so far no interim orders have been passed. Under such circumstances, 2nd respondent is bound by the stop memo issued by the Municipality. We clarify the above fact. As far as petitioner/appellant is concerned, there is no reason for him to have any grievance as the Municipality has already issued a stop memo.

6. Under such circumstances, it shall be open for the parties to approach the Tribunal for Local Self Government Institutions for further orders.

With the above observation, this writ appeal is closed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

