

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 56 of 2015 (F)

PETITIONER:

GEORGE THOMAS, S/O.THOMAS,
NADACKAL HOUSE, ARUNAPURAM.P.O.,
PALA, KOTTAYAM DISTRICT. 686 574.

BY ADVS.SRI.K.I.MAYANKUTTY MATHER
SRI.P.RAHUL

RESPONDENTS:

1. PALA MUNICIPALITY, PALA, KOTTAYAM-686 575
REPRESENTED BY ITS SECRETARY.
2. THE SECRETARY, PALA MUNICIPALITY, PALA,
KOTTAYAM-686 575.
3. THE MUNICIPAL COUNCIL, PALA MUNICIPALITY,
REPRESENTED BY ITS CHAIR PERSON,
PALA, KOTTAYAM-686 575.
4. THE CHAIR PERSON, PALA MUNICIPAL COUNCIL,
PALA MUNICIPALITY, PALA, KOTTAYAM-686 575.
5. M.P.FRANCIS, MANTHADIYIL, ANUP VILLA,
PURAKKAD.P.O., ALAPPUZHA-690 551.

R1 TO R4 BY ADV. SRI.V.M.KURIAN
R5 BY ADVS. SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR
SRI.K.JAGADEESH
SRI.RAAJESH S.SUBRAHMANIAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 56 of 2015 (F)

PETITIONER'S EXHIBITS:

EXT. P1- TRUE COPY OF THE NOTICE ISSUED BY THE PALA MUNICIPALITY DATED 5.7.2012.

EXT. P1(a)- TRUE ENGLISH TRANSLATION OF EXT.P1 DATED 5.7.2012.

EXT. P2- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 7.7.2012.

EXT. P2(a)- TRUE ENGLISH TRANSLATION OF EXT.P2 DATED 7.7.2012.

EXT. P3- TRUE COPY OF THE INTIMATION OF THE SECRETARY, PALA MUNICIPALITY DATED 27.7.2012.

EXT. P3(a)- TRUE ENGLISH TRANSLATION OF EXT.P3 DATED 27.7.2012.

EXT. P4- TRUE COPY OF THE LIST OF PAYING GUEST HOSTELS FUNCTIONING IN AND AROUND BRILLIANT STUDY CENTER, PALA DATED NIL.

EXT. P5- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT AND THE ANSWER GIVEN BY THE INFORMATION OFFICER DATED 1.8.2012.

EXT. P5(a) TRUE ENGLISH TRANSLATION OF EXT.P5 DATED 1.8.2012.

EXT. P6- TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DATED 31.7.2012.

EXT. P6(a)- TRUE ENGLISH TRANSLATION OF EXT.P6 DATED 31.7.2012.

EXT. P7- TRUE COPY OF THE REPLY GIVEN BY THE PETITIONER TO THE 2ND RESPONDENT DATED 08.08.2012.

EXT. P7(A)- TRUE ENGLISH TRANSLATION OF EXT.P7 DATED 08.08.2012.

EXT. P8- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 27.8.2012.

EXT. P8(a)- TRUE ENGLISH TRANSLATION OF EXT.P8 DATED 27.8.2012.

EXT. P9- TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DATED 11.4.2013.

EXT. P9(a)- TRUE ENGLISH TRANSLATION OF EXT.P9 DATED 11.4.2013.

EXT. P10- TRUE COPY OF THE INTIMATION OF THE 2ND RESPONDENT DATED 17.7.2013.

EXT. P10(a)- TRUE ENGLISH TRANSLATION OF EXT.P10 DATED 17.7.2013.

EXT. P11- TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 8.8.2013.

EXT. P11(a)- TRUE ENGLISH TRANSLATION OF EXT.11 APPEAL DATED 8.8.2013.

EXT. P12- TRUE COPY OF THE MINUTES OF THE PALA MUNICIPAL COUNCIL MEETING DATED 5.10.2013.

EXT. P12(a)- TRUE ENGLISH TRANSLATION OF EXT.P12 DATED 5.10.2013.

EXT. P13- TRUE COPY OF THE INTIMATION OF THE 2ND RESPONDENT DATED 28.11.2013.

EXT. P13(a)- TRUE ENGLISH TRANSLATION OF EXT.P13 INTIMATION DATED 28.11.2013.

EXT. P14- TRUE COPY OF THE ORDER OF THE LOCAL SELF GOVERNMENT INSTITUTIONS THIRUVANANTHAPURAM DATED 13.9.2013.

EXT. P15- TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DATED 22.3.2014.

EXT. P15(a)- TRUE ENGLISH TRANSLATION OF EXT.P15 DATED 22.3.2014.

EXT. P16- TRUE COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT IN W.P.[C] 10580/2014 DATED 19.12.2014.

EXT. P17- TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DATED 23.12.2014.

EXT. P17(a)- TRUE ENGLISH TRANSLATION OF EXT.P17 DATED 23.12.2014.

EXT. P18- TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DATED 1.1.2015.

EXT. P18(a)- TRUE ENGLISH TRANSLATION OF EXT.P18 DATED 1.1.2015.

EXT. P19- TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 5.1.2015.

EXT. P19(a)- TRUE COPY OF THE STAY APPLICATION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 5.1.2015.

EXT. P20- TRUE COPY OF THE STAY APPLICATION FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 5.1.2015.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.56 of 2015 F

Dated this the 31st day of March, 2015

JUDGMENT

The petitioner, the owner of a plot within the jurisdiction of the first respondent Municipality, has filed this writ petition seeking the following reliefs:

i. Call for the records of the case leading to the issuance of Exts.P17 and P18 and quash the same by means of a writ of certiorari or any other appropriate writ, order or direction;

ii. Issue a writ of mandamus or other appropriate writ or order forbearing respondents 1 and 2 from pursuing any proceedings to close down the ladies hotel (home stay) run by the petitioner in building No.XX/195(1) in pursuance of Exts.P17 and P18;

iii. Issue a writ of mandamus or other appropriate writ or order directing the 3rd respondent to hear and dispose of Ext.P19 appeal on its merits within short time being fixed by this Hon'ble Court;

iv. Issue a writ of mandamus or other appropriate writ or order directing the 4th respondent to stay the operation of Ext.P18 proceedings pending disposal of Ext.P19 appeal or in the alternative direct the 4th respondent to hear and dispose of Ext.P20 stay application within a short time being fixed by this Hon'ble Court;

v. Grant such other reliefs or orders that this Hon'ble Court may deem fit to grant under the facts and circumstances of the case.

2. Now, both the learned counsel for the petitioner and the respondent, as well as the learned Standing Counsel for the respondent Municipality, have submitted that the Council of the respondent Municipality, the appellate authority, has been seized of the issue. Accordingly, they have submitted that the writ petition may be closed as having not survived for further consideration.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the respondent, as well as the learned

Standing Counsel for the respondent Municipality, this Court closes the writ petition as having not survived for further consideration.

It is further made clear that the statutory appeal pending before the Council of the respondent Municipality shall be disposed of in accordance with law, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

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