

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 492 of 2015 (J)

PETITIONER:

**P. GOPAKUMAR,
NEELAKANDA BHAVAN, MULLARA VILA,
PERUMPAZHUTHOOR. P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.B.KRISHNA MANI.

RESPONDENTS:

- 1. PURSER, PORT OFFICE, VIZHINJAM,
THIRUVANANTHAPURAM-695 521.**
- 2. PORT OFFICER, PORT OFFICE,
(DEPARTMENT OF PORTS), NEENDAKARA,
ASRAMAM, KOLLAM-691 582.**

BY SR. GOVT. PLEADER SRI.MUHAMMED SHAFI. M.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE LICENCE DATED 31/05/2012 FOR THE PERIOD 2012-2013.
- EXT.P2 TRUE COPY OF THE ORDER DATED 13/10/2009 IN COMPLAINTNO.1416/2008 BEFORE THE LOK AYUKTHA, THIRUVANANTHAPURAM.
- EXT.P3 TRUE COPY OF THE COMMUNICATION DATED 14/08/2012 ISSUED BY THE FIRST RESPONDENT TO THE SUB INSPECTOR OF POLICE, KOVALAM POLICE STATION.
- EXT.P4 TRUE COPY OF THE LICENCE DATED 25/09/2012 FOR THE YEAR 2012-2014.
- EXT.P5 TRUE COPY OF THE ORDER DATED 24/12/2012 IN COMPLAINT NO.1841/2012 BEFORE OF LOK AYUKTHA.
- EXT.P6 TRUE COPY OF THE GOVERNMENT ORDER DATED 30/07/2012.
- EXT.P7 TRUE COPY OF THE NOTICE DATED 16/05/2012 ISSUED BY THE FIRST RESPONDENT.
- EXT.P8 TRUE COPY OF THE APPLICATION DATED 31/05/2014.
- EXT.P9 TRUE COPY OF THE LICENCE ISSUED BY THE SEPTEMBER 2014.
- EXT.P10 TRUE COPY OF THE COMPLAINT BEFORE THE 2ND RESPONDENT DATED 14/11/2014.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 492 of 2015

Dated this the 15th day of January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(i) Issue a writ of mandamus or any other appropriate writ, direction or order directing the respondents to grant licence to place shades, umbrella, and chairs in Vizhinjam beach borne out in terms of Ext.P8 application;*
- (ii) Issue a writ of mandamus or any other appropriate writ, direction or order directing the respondents to consider and pass orders on Ext.P8 application forthwith;*
- (iii) Award costs.”*

2. The learned counsel for the petitioner points out that the petitioner was having licence earlier as granted by the concerned authorities and since the said licence is not valid in operation as on the date, Ext.P8 application has been preferred on 31.05.2014, which is still to be acted upon. At the same time, the concerned respondent has issued licence to other similarly situated person, a copy of which has been produced as Ext.P9. This made the petitioner to prefer Ext.P10 complaint before the 2nd respondent.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P8, in accordance with law, after affording an opportunity of hearing to the petitioner. It shall be done, at the earliest, at any rate, within one month from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn