

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 1383 of 2015 (W)

PETITIONER:

IBRAHIM KUNJU AGED 58 YEARS,
IBRAHIM NIVAS, VAYYETTI, VENJARAMOODU P.O.,
VENJARAMOODU, THIRUVANANTHAPURAM.

BY ADV. SRI.M.ZIYAD

RESPONDENTS:

1. THE NELLANADU GRAMA PANCHAYAT,
OFFICE OF THE NELLANADU GRAMA
PANCHAYATH, VENJARAMOODU P.O.,
THIRUVANANTHAPURAM DISTRICT-695 001
REP. BY ITS SECRETARY.
2. THE SECRETARY,
NELLANADU GRAMA PANCHAYAT,
VENJARAMOODU P.O.,
THIRUVANANTHAPURAM DISTRICT-695 001.

R1 & R2 BY ADV. SRI.M.H.HANILKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-02-2015 ALONG WITH WPC 1855/2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 1383 of 2015 (W)

PETITIONER'S EXHIBITS:

EXT.P1. ORIGINAL OF THE PHOTOGRAPHS OF SHOP BUILDING OF THE PETITIONER

EXT.P2. TRUE COPY OF THE RECEIPTS SHOWING THE REMITTANCES MADE BY THE PETITIONER TOWARDS THE RENT AND OTHER CHARGES.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)Nos.1383 and 1855 of 2015

Dated this the 2nd day of February, 2015

JUDGMENT

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioners are said to have been carrying on meat business in the stalls belonging to the respondent Grama Panchayat in the meat market. Ventilating their grievance that without due process the respondent Grama Panchayat has initiated steps to demolish the existing meat market, including the shops of the petitioners, they have filed the present writ petition.

3. The respondent Grama Panchayat has filed its counter affidavit stating that the Panchayat has decided to

demolish the existing meat market and construct a new hygienic market with high standards. The Grama Panchayat has further placed on record its willingness to provide alternative shops to the petitioners in the market being constructed newly. In fact, in paragraph 3 of the statement filed by the respondent Grama Panchayat, it is averred thus:

“It is submitted that the Panchayath urgently needs the shop rooms occupied by the petitioners for the above purpose. The said rooms along with other rooms are to be demolished for the purpose of constructing a new market in the same place. The Panchayath is ready to provide alternative rooms to the petitioners, if they are ready and willing to shift their meat stall to a room available in the nearby market. The Panchayath will provide rooms in the market subject to payment of rent fixed by the Panchayath. Moreover, Panchayat will provide meat stall in the newly constructed market subject to the rent fixed by the Panchayat. If the petitioners are not willing to shift to the room available in the market, the Panchayat may be permitted to evict the petitioners by issuing 30 days notice to the petitioners.

4. The learned counsel for the petitioners, on instructions, has submitted that the petitioners are willing

to part with the present meat stalls under their occupation, provided the respondent Grama Panchayat adheres to its promise as has been incorporated in paragraph 3 of the statement referred to above.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioners and the learned Standing Counsel, this Court disposes of the writ petition recording the undertaking of the respondent Grama Panchayat that it will provide to the petitioners alternative shops in the new market subject to their compliance with other statutory parameters.

Dama Seshadri Naidu, Judge

tkv