

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).No. 1750 of 2014 (P)

PETITIONER :

**NOORJAHAN, PULARI,
MANAKARA, SASTHAMCOTTA , KOLLAM.**

**BY ADVS.SRI.B.S.SWATHY KUMAR
SRI.REMYA MURALI
SRI.ASHISH MOHAN
SRI.A.K.RAJESH**

RESPONDENTS :

**1. THODIYOOR GRAMA PANCHAYATH
THODIYOOR.P.O., KOLLAM.PIN-690523.
REPRESENTED BY ITS SECRETARY.**

**2. THE SECRETARY,THODIYOOR GRAMA PANCHAYATH,
THODIYOOR.P.O, KOLLAM, PIN-690523.**

ADDL. R3 & R4 IMPEADED :

**3. SHIHABUDEEN
RESIDING AT MANDIRAM, KAVANAD.P.O.,
KOLLAM DISTRICT.
ADDL. R3 IS IMPEADED AS PER ORDER DATED 27/03/2014 IN IA 3329/2014.**

**4. R.UNNIKRISHNA PILLAI
PARACKAL HOUSE, VADAKUMTHALA.P.O.,
KARUNAGAPPALLY, KOLLAM DISTRICT.**

ADDL.R4 IS IMPEADED AS PER ORDER DATED 27/03/2014 IN IA 4845/2014.

**R1 & 2 BY ADV. SRI.M.SASINDRAN
ADDL.3 & R4 BY DR.K.P.SATHEESAN SENIOR ADOVATE
ADDL.3 & R4 BY ADVS. SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE LICENSE NO.A4-2144/11 DATED 15-9-2011 ISSUED BY THE IST RESPONDENT
- EXT.P2: TRUE COPY OF THE LICENCE NO.A5-1790/13 DATED 11-3-2013 ISSUED BY THE IST RESPONDENT.
- EXT.P3: TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 5-4-2013.
- EXT.P4: TRUE COPY OF THE RECEIPT NO.2454 DATED 5-4-2013 OF THE IST RESPONDENT
- EXT.P5: TRUE COPY OF THE REMINDER FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 9-10-2013.
- EXT.P6: TRUE COPY OF THE ORDER NO.A5/2247/13 DATED 5-11-2013 OF THE IST RESPONDENT.
- EXT.P7: TRUE COPY OF THE EXPLANATION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 8-11-2013.
- EXT.P8: TRUE COPY OF THE CERTIFICATE MNO.A3/1785/2013 DATED 13-3-2013 ISSUED BY THE IST RESPONDENT.
- EXT.P9: TRUE COPY OF THE ORDER IN APPEAL NO.1055/2013 DATED 30-11-2013
- EXT.P10: TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE IST RESPONDENT DATED 7-12-2013.
- EXT.P11: TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE THE IST RESPONDENT DATED 7-12-2013.
- EXT.P12: TRUE COPY OF THE RECEIPT ISSUED BYT THE IST RESPONDENT DATED 7-12-2013.
- EXT.P13: TRUE COPY OF THE ORDER IN I.A.468/2013 IN SUIT NO.85/2013 OF THE SUB COURT,KARUNAGAPPALLY DATED 4-4-2013.
- EXT.P14: TRUE COPY OF THE PETITION FILED BY THE UNNIKRISHNAN PILLAI DATED 23-3-2013 BEFORE THE 2ND RESPONDENT.
- EXT.P15: TRUE COPY OF THE ORDER IN WP(C)28138/2013 DATED 25-11-2013.

RESPONDENT(S)' EXHIBITS

:

NIL.

//TRUE COPY//

P.A. TO JUDGE

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.1750 of 2014

Dated this the 18th day of June, 2015.

JUDGMENT

The petitioner has approached this Court alleging that Exts.P10 appeal and Ext.P11 stay application, which are now pending before the panchayat, have not been considered by the panchayat.

2. The petitioner is the owner in possession of 12 cents of land in Re-Sy.No.572/4/3 of Thodiyoor Village. The petitioner alleges that she constructed a building in that property after getting valid permit and licence from the 1st respondent and she applied for a licence. The second respondent issued Ext.P1 licence which was renewed as per Ext.P2. The petitioner filed Ext.P3 seeking renewal, but the same was not allowed stating that the petitioner has not at all applied for licence and though she was requested to apply she had not done so. The petitioner was also directed to stop the functioning of the ice plant. Ext.P7 reply was given, but the same was not accepted by the second respondent. The petitioner filed an appeal before the tribunal and the tribunal

disposed of the appeal vide Ext.P9 order. The petitioner filed Exts.P10 appeal and P11 stay petition before the first respondent, but the same has not been considered till date; it is alleged.

3. I have heard the learned counsel for the petitioner and the learned standing counsel for the respondents in the matter.

As the limited prayer in this writ petition is only for an early disposal of Exts.P10 appeal and P11 stay petition, the writ petition is disposed of directing the respondent panchayat to consider and pass appropriate orders on Exts.P10 and P11, if the same has not been disposed of so far, after affording the petitioner an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment. To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the respondent at the earliest.

Sd/-

A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.