

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 2323 of 2015 (M)

PETITIONER(S) :

1. SAJEEV, PROPRIETOR,
NIRVITHY BAKERY, TDB BUILDINGS, CHERTHALA.
2. SANTHOSH KUMAR, PROPRIETOR,
RADHAS TIME HOUSE, TDB BUILDINGS, CHERTHALA.
3. PREMDATH, PROPRIETOR,
CHARANGATTU AGENCIES (LIC MARKETING OFFICE),
TDB BUILDINGS, CHERTHALA.
4. PRAMUKHA
PROPRIETRIX, PONPAN TEXTILES, TDB BUILDINGS, CHERTHALA.
5. SHAJI, PROPRIETOR,
CHUZHICKATTU CYCLES, TDB BUILDINGS, CHERTHALA.
6. SOBHA, PROPRIETRIX,
ALUMINIUM TRADERS, TDB BUILDINGS, CHERTHALA.
7. S.NARENDRAKUMAR, PROPRIETOR,
ABHILASH TEXTILES, TDB BUILDINGS, CHERTHALA.

BY ADV. SRI.B.PRAMOD

RESPONDENT(S) :

1. THE TRAVANCORE DEVASWOM BOARD
REP. BY ITS COMMISSIONER- 688 001.
2. THE ASSISTANT COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, AMBALAPPUZHA, ALAPPUZHA- 688 001.
3. THE SUB GROUP OFFICER,
TRAVANCORE DEVASWOM BOARD, SREE KARTHIYAYANI TEMPLE,
CHERTHALA- 688 524.

BY ADV. SRI.M.V.S.NAMBOOTHIRI, S.C

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE RECEIPTS SHOWING PAYMENT OF RENTAL DUE IN RESPECT OF THE 2ND PETITIONER.

EXHIBIT P2: TRUE COPY OF THE PHOTOGRAPH OF THE VICINITY OF THE ROOMS OCCUPIED BY PETITIONERS 3 TO 7.

EXHIBIT P3: TRUE COPY OF THE PHOTOGRAPHS.

EXHIBIT P4: TRUE COPY OF THE REPRESENTATION DATED 12.12.2014 TO THE RESPONDENTS 2 AND 3.

EXHIBIT P5: TRUE COPY OF THE POSTAL A/D CARD SHOWING THE RECEIPT BY 2ND RESPONDENT.

EXHIBIT P6: TRUE COPY OF THE UN-SERVED ENVELOPE CONTAINING THE REPRESENTATION WHICH HAD BEEN SENT TO THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 2323 of 2015

Dated this the 6th day of February, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"i. Issue a writ of mandamus or any other appropriate writ or order commanding the respondents to take urgent and necessary steps for the removal of temporary shops and banners as well as hoardings put up in front of the shop rooms occupied by the petitioners.

ii. Issue a writ of mandamus or any other appropriate writ or order directing the respondents not to permit putting up of temporary shops and other structures in front of the petitioners' shops.

iii. Issue a writ of mandamus or any other appropriate writ or order commanding the respondents to take steps for preventing unauthorized parking of vehicles in front of the shop rooms.

iv. Issue a writ of mandamus or any other appropriate writ or order commanding the respondents to remove a portion of the chain bounding the space in front of the building of which the shop room of petitioners 1 and 2 form part so as to facilitate entry of public and vehicles to these shop rooms."

2. The learned counsel for the petitioners submits that they

are tenants of different shop rooms owned by the 1st respondent Devaswom Board. The premises in front of the said shop rooms are unauthorisedly used by various parties for unauthorized parking. Despite bringing the same to the notice of the concerned respondent, no proper action has been taken and hence the writ petition.

3. Heard the learned Standing Counsel for the respondent Board as well.

4. During the course of hearing, the learned counsel for the petitioners submits that, the grievance has already been projected by way of Ext.P4 before the concerned respondent and that the petitioners will be satisfied, if a direction is given to the 2nd respondent to have it considered and finalized within a reasonable time.

5. Heard the learned Standing Counsel for the Board as well.

6. After hearing both the sides, this Court finds it not necessary to go into the merits of the case. The writ petition is disposed of, directing the 2nd respondent to consider and pass

appropriate orders on Ext.P4 in accordance with law, after affording an opportunity of hearing to the petitioners and all other interested parties if any, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**

kp/-