

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 2903 of 2015 (K)

PETITIONER(S):

1. **JOBY JOHN, AGED 36 YEARS,
S/O.LATE C.V.JOHN, CHERUPILLIYIL HOUSE
PANNIYAMKARA P.O, PANTHALAPPADAM, VADAKKANCHERRY
ALATHUR TALUK, PALAKKAD DISTRICT.**
2. **MUBEENA, AGED 38 YEARS,
W/O.ABDUL AMANULLA, MANAPPADAM HOUSE, MANAPPADAM POST,
PUDUKKODE, PALAKKAD DISTRICT.**

BY ADV. SRI.P.K.MOHANAN(PALAKKAD)

RESPONDENT(S):

1. **THE DISTRICT COLLECTOR,
PALAKKAD REVENUE DISTRICT, CIVIL STATION,
PALAKKAD - 678 001.**
2. **THE TARUR GRAMA PANCHAYATH BOARD,
REPRESENTED BY ITS SECRETARY, P.O TARUR,
PALAKKAD DISTRICT - 678 547.**
3. **THE SECRETARY
TARUR GRAMA PANCHAYATH, P.O TARUR,
PALAKKAD DISTRICT - 678 547.**

**R1 BY GOVERNMENT PLEADER SMT.ANITHA RAVEENDRAN
R2 & R3 BY ADVS. SRI.G.D.PANICKER
SMT.JEENA JOSEPH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: A TRUE COPY OF THE PANCHAYATH LICENSE DATED 31.12.13 ISSUED TO THE FIRST PETITIONER WITH ENGLISH TRANSLATION OF THE SAME.

EXHIBIT P2: A TRUE COPY OF THE RECEIPT DATED 28.02.14 ISSUED REGARDING THE REMITTANCE OF D & O TRADE LICENSE FEE BY THE FIRST PETITIONER TO TARUR PANCHAYATH.

EXHIBIT P3: A TRUE COPY OF THE BANKERS CHEQUE DATED 06.05.14 FOR RS.10,220 DRAWN ON STATE BANK OF INDIA, CIVIL STATION BRANCH, PALAKKAD EVIDENCING REMITTANCE OF RENEWAL FEE TO KERALA STATE POLLUTION CONTROL BOARD BY THE 1ST PETITIONER.

EXHIBIT P4: A TRUE COPY OF THE PANCHAYATH LICENSE DATED 10.02.14 ISSUED TO THE 2ND PETITIONER WITH ENGLISH TRANSLATION OF THE SAME.

EXHIBIT P5: A TRUE COPY OF THE RECEIPT DATED 28.02.14 ISSUED BY THE TARUR PANCYAYATH SECRETARY TO THE SECOND PETITIONER WITH RESPECT TO THE REMITTANCE OF D & O TRADE LICENSE FEE.

EXHIBIT P6: A TRUE COPY OF THE BANKERS CHEQUE DATED 12.05.14 FOR RS.4,975 DRAWN ON STATE BANK OF INDIA, CIVIL STATION BRANCH, PALAKKAD EVIDENCE OF RENEWAL FEE TO KERALA STATE POLLUTION CONTROL BOARD BY THE SECOND PETITIONER.

EXHIBIT P7: A TRUE COPY OF THE STOP MEMO ISSUED TO THE FIRST PETITIONER BY THE ASSISTANT SECRETARY STATING THAT HE IS IN CHARGE OF THE SECRETARY OF TARUR GRAMA PANCHAYATH WITH ENGLISH TRANSLATION OF THE SAME.

EXHIBIT P8: A TRUE COPY OF THE APPEAL MEMORANDUM DATED 23.12.14 SUBMITTED BEFORE THE TARUR GRAMA PANCYAYATH BY THE FIRST PETITIONER WITH ENGLISH TRANSLATION OF THE SAME.

EXHIBIT P9: A TRUE COPY OF THE APPEAL MEMORANDUM DATED 23.12.14 PRESENTED BEFORE THE DISTRICT COLLECTOR, PALAKKAD BY THE FIRST PETITIONER.

EXHIBIT P10: A TRUE COPY OF THE STOP MEMO DATED 17.12.14 ISSUED TO THE SECOND PETITIONER BY THE ASSISTANT SECRETARY OF TARUR PANCHAYATH STATING THAT HE IS HOLDING THE CHARGE OF THE SECRETARY WITH ENGLISH TRANSLATION OF THE SAME.

EXHIBIT P11: A TRUE COPY OF THE APPEAL MEMORANDUM DATED 23.12.14 SUBMITTED TO THE PANCHAYATH BOARD BY THE SECOND PETITIONER WITH ENGLISH TRANSLATION OF THE SAME.

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EXHIBIT P12: A TRUE COPY OF THE APPEAL MEMORANDUM DATED 23.12.14
SUBMITTED TO THE DISTRICT COLLECTOR, PALAKKAD BY THE
SECOND PETITIONER.

EXHIBIT P13: A TRUE COPY OF THE STAY APPLICATION DTD.24.1.2015 FILED BY THE
1ST PETITIONER U/S 276 (2) OF THE KERALA PANCHAYATH RAJ ACT
BEFORE THE TARUR PANCHAYATH RECEIVED AND ACKNOWLEDGED
BY THE PANCHAYATH ON 28.1.2015 WITH ENGLISH TRANSLATION OF
THE SAME.

EXHIBIT P14: A TRUE COPY OF THE STAY APPLICATION DTD.24.1.2015 FILED BY THE
2ND PETITIONER MUBEENA, W/O.ABDUL AMANULLA U/S 276 (2) OF THE
KERALA PANCHAYATH RAJ ACT 1994 BEFORE THE TARUR PANCHAYATH
RECEIVED AND ACKNOWLEDGED BY THE PANCHAYATH ON 28.1.2015
WITH ENGLISH TRANSLATION OF THE SAME.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.2903 of 2015

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Dated this the 12th day of August, 2015

JUDGMENT

The petitioners are seeking a direction for a time bound disposal of the statutory appeals submitted by them before the second respondent.

2. The Assistant Secretary of the respondent panchayat stating that he is in charge of the Secretary, issued stop memos to the petitioners directing them to close their small scale industrial units functioning in the industrial area notified by the Government. The petitioners allege that they have not been heard and the order is not reasoned. Therefore, they filed statutory appeals under Section 276 of the Kerala Panchayat Raj Act before the panchayat board and the same is pending. The petitioners further allege that the stop memos issued by the Assistant Secretary are *per se* illegal. It is with this background, the petitioners have come up before this Court.

3. Arguments have been heard.

4. The learned counsel for the petitioners confined his argument to the limited prayer for a direction to the respondents to consider and dispose of Exts.P8 and P11 appeals after hearing the petitioners and affected parties, if any within a time frame.

Considering the nature of the submission and the nature of the relief sought for, this writ petition is disposed of directing the second respondent to consider and pass appropriate orders on Exts.P8 and P11 appeals filed by the petitioners after affording them and affected parties, if any, an opportunity of being heard within a period of one month from the date of receipt of a copy of this judgment.

Till that exercise is completed, the present state of affairs shall continue.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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