

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 3869 of 2015 (G)

PETITIONER : -

ABOBACKER A.M., AGED 60 YEARS,
S/O.MUHAMMED, PROPRIETOR,
HOTEL BHAWAN,
ARAKKAVEETIL HOUSE, EDASSERY P.O.,
THALIKKULAM, VATANAPPALLY,
THRISSUR DISTRICT - 680 614.

BY ADV.SRI.MANSOOR.B.H.

RESPONDENTS : -

1. DISTRICT MEDICAL OFFICER,
THRISSUR DISTRICT - 680 001.
2. THE HEALTH INSPECTOR,
COMMUNITY HEALTH CENTRE,
VATANAPPALLY, THRISSUR DISTRICT - 680 619.
3. VATANAPPALLY GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
VATANAPPALLY, THRISSUR DISTRICT - 680 614.
4. THE SUB INSPECTOR OF POLICE,
VATANAPPALLY POLICE STATION,
THRISSURDISTRICT - 680 614.

R1, R2, R4 BY ADV.SRI.K.A.JALEEL, ADDL. ADVOCATE GENERAL
R3 BY ADV.SRI.K.P. MADHU
BY GOVERNMENT PLEADER SRI. JOE KALLIATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-02-2015, ALONG WITH W.P. (C) No. 4057/2015. THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

- EXT.P-1 : TRUE COPY OF THE LICENSE BEARING NO.430/12-13 DATED 31.3.2012 ISSUED BY THE 3RD RESPONDENT VATANAPPALLY GRAMA PANCHAYATH TO THE PETITIONER.
- EXT.P-1(a): TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P1 LICENSE ISSUED TO THE PETITIONER.
- EXT.P-2 : TRUE COPY OF SANITARY CERTIFICATE DATED 17.4.2013 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXT.P-2(a): TRUE ENGLISH TRANSLATION TO EXHIBIT P2 CERTIFICATE DATED 17.4.2013 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT.
- EXT.P-3 : TRUE COPY OF THE RECEIPT BEARING NO.3580 DATED 13.6.2014 ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT ON THE APPLICATION FOR RENEWAL OF THE LICENSE.
- EXT.P-4 : TRUE COPY OF THE NOTICE NO.B5.418/15 DATED 31.1.2015 ISSUED BY THE 3RD RESPONDENT WHICH IS SERVED ON 2.2.2015 ON THE PETITIONER.
- EXT.P-4(a): TRUE ENGLISH TRANSLATION OF EXHIBIT P4 NOTICE DATED 31.1.2015 ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT.
- EXT.P-5 : TRUE COPY OF THE JUDGEMENT DATED 19.4.2013 IN WP(C) NO.11100/2013 OF THIS HON'BLE COURT.
- EXT.P-6 : TRUE COPY OF THE SAID ORDER DATED 20.11.2014 IN WP(C) NO.4834/2014 OF THIS HON'BLE COURT.
- EXT.P-7 : TRUE COPY OF THE EXPLANATION DATED 3.2.2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 3869 of 2015

&

W.P. (c) No. 4057 of 2015

Dated this the 25th day of February, 2015

COMMON JUDGMENT

Both the petitioners, being the brothers, have been running hotels in their respective properties. Initially, they filed writ petitions questioning the orders of the second respondent, the Health Inspector, that the water collected from the bore wells of the petitioners' hotels contained excess quantity of Coli form bacteria. At any rate, pending the writ petitions, the petitioners are said to have rectified the shortcomings.

2. According to the learned counsel for the petitioners, at a later point of time, the authorities have inspected the hotels and found that the water is safe. It seems that the second respondent has also issued sanitation certificate in favour of the petitioners.

3. At any rate, now, the petitioners have confined their relief to the extent that the third respondent shall consider their applications filed on 20.02.2015 for issuance of fresh licence to run the hotels.

4. The learned counsel for the third respondent has submitted that, the petitioners were initially granted licence valid up to 31.03.2013, but, thereafter they ran the hotel business without valid licence. According to her, once the licence came to an end and no application was filed within the time to have the licence renewed, the only option for the petitioners is to file a new application for fresh licence.

5. In reply to the submissions made by the learned counsel for the third respondent, the learned counsel for the petitioners has brought to my notice that pending writ petitions, very recently the petitioners on 20.02.2015 filed the necessary applications seeking a fresh licence in view of the expiry of the previous licence.

6. Be that as it may, in the light of the submissions made by the learned counsel for the petitioners and the learned counsel for the respondents, this Court disposes of the writ petitions, without adverting to the merits of the

matter, with a direction to the third respondent to consider the petitioners applications said to have been filed on 20.02.2015 for fresh licences to run their hotels, as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of this judgment.

With the above observation, these writ petitions are disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-