

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 4249 of 2015 (E)

PETITIONER:

PRAMOD KUMAR P.B., AGED 49 YEARS,
S/O.T.K.BHASKARAN NAIR, PUTHIYAMADATHIL,
'PRANAVAM' NEDUMPURAM, PODIYADI, PIN 689 110.

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENTS:

1. THE THIRUVALLA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
MUNICIPAL OFFICE THIRUVALLA, PIN - 689 101.
2. THE SECRETARY,
THE THIRUVALLA MUNICIPALITY,
MUNICIPAL OFFICE, THIRUVALLA, PIN - 689 101.
3. SMT. INDIRA CHANDRASEKHARAN,
KURATTIYIL HOUSE, KARAKKAL P.O.,
THIRUVALLA - 689 101.

R BY SRI.S.SUBHASH CHAND, SC.THIRUVALLA MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 - TRUE COPY OF RECEIPT DATED 15-11-2014 ISSUED BY 1ST RESPONDENT.

EXT.P2 - TRUE COPY OF COMPLAINT SUBMITTED BY PETITIONER AND OTHERS TO THE 2ND RESPONDENT WITH ENGLISH TRANSLATION.

EXT.P3 - TRUE COPY OF APPLICATION DATED 28-11-2014 SUBMITTED BY PETITIONER BEFORE 2ND RESPONDENT WITH ENGLISH TRANSLATION.

EXT.P4 - TRUE COPY OF REPLY DATED 26-12-2014 BY 2ND RESPONDENT TO THE PETITIONER WITH ENGLISH TRANSLATION.

EXT.P5 - TRUE COPY OF REPRESENTATION DATED 31-1-2015.

RESPONDENTS' EXHIBITS:

/True Copy/

P.A to Judge.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 4249 of 2015

Dated this the 14th day of July, 2015

J U D G M E N T

The petitioner approached this Court for a direction to the respondent municipality to implement the undertaking in Ext.P4.

2. The petitioner is conducting a medical shop (Room No.6) at the Municipal Shopping Complex, Kavumbhagam, Thiruvalla. The 3rd respondent has a shop room (Room No.5) on the eastern side of the petitioner's shop. The petitioner alleges that the 3rd respondent and certain other shop owners in the complex have constructed unauthorized structures in front of their shop rooms encroaching the common passage in front of the complex, as a result of which, the petitioner's shop room has lost site of the customers resulting in loss and damages to his business. As per Ext.P4, respondents 1 & 2 have already issued notice to demolish the unauthorized structures in front of the shop rooms. It is with this background, the petitioner has come up before this Court.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent municipality.

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4. The learned Standing Counsel for the respondent municipality, on instructions, submitted that the municipality had issued notice to remove the unauthorized structures within the local limits of the respondent municipality; and subsequently, the merchants association submitted a representation before the respondent municipality, which was placed before the council and the council by decision No.7 dated 30.03.2015 has resolved to inspect the shop rooms in question; and as a follow up action, orders have been handed over to the engineer concerned. It was further submitted that it will take some time to complete the process.

In the light of the above, the writ petition is disposed of directing the respondent municipality to expedite the implementation of the decision now taken by the municipality, at any rate, within a period of 45 days from the date of receipt of copy of this judgment. It is hereby made clear that the grievance projected by the petitioner shall be taken care of in the light of the undertaking given in Ext.P4, while implementing the decision.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-