

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 10095 of 2012 (J)

PETITIONER:

**SUKUMARI, AGED 40 YEARS,
W/O.AJAYGOSH, VARKALA HOUSE, P.O., NIT,
KOZHIKODE, PIN-673601.**

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS:

- 1. THE CHATHAMANGALAM GRAMA PANCHAYATH,
POST NIT CAMPUS, KOZHIKODE-673601
REPRESENTED BY ITS SECRETARY(SPECIAL GRADE)**
- 2. SRI.SHAJI,, AGED 32 YEARS,
S/O BALASUBRAMANIAN, THAZHASSERY, POOLIKODE HOUSE,
P.O.VELLALASSERY, KOZHIKODE-673601.**

**R2 BY ADV. SRI.R.SUDHISH, SC
R2 BY ADV. SMT.M.MANJU
R2 BY ADV. SRI.K.R.RANJITH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXT. P1 :** COPY OF THE RENT RECEIPTS ISSUED TO THE PETITIONER DURING THE MONTHS OF AUGUST AND NOVEMBER OF 2010 AND JANUARY AND MARCH 2011.
- EXT. P2 :** COPY OF THE LICENSE ISSUED TO THE PETITIONER FOR THE PERIOD UP TO 31.03.2012.
- EXT. P3 :** COPY OF THE CERTIFICATE ISSUED TO THE PETITIONER AS PER THE PROVISIONS OF THE SHOPS AND COMMERCIAL ESTABLISHMENT ACT.
- EXT. P4 :** COPY OF THE COMMUNICATION TO THE PETITIONER WITH THE NUMBER K3.932/12 DATED 02.04.2012.
- EXT. P5 :** COPY OF THE NOTICE FROM THE 1ST RESPONDENT TO THE PETITIONER WITH THE NUMBER A3-7578/11 DATED 30.09.2011.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 10095 of 2012

Dated this the 4th day of February, 2015

J U D G M E N T

Exts.P4 and P5 are under challenge.

2. The petitioner alleges that she was running a medical laboratory in the name of Digital Specialty Centre in building No.CP.13/578B under the respondent panchayath from 2002 onwards. The petitioner points out that the licence granted to her expired on 31.02.2012. Though she made an application for renewing the same, till date the 1st respondent has not renewed the same and is now demanding a consent from the 2nd respondent, which, according to the petitioner, is illegal and not supported by any legal provision. It is with this background, the petitioner has come up before this Court.

3. The case of the petitioner that she was conducting the laboratory in the tenanted premises from 2002 onwards, is not denied by the respondents. The

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petitioner's request is only for renewal of the existing licence. As there is no change in the nature of the business, the respondent panchayath need not insist for a fresh consent from the owner of the premises.

Therefore, the writ petition is disposed of quashing Exts.P4 and P5, and directing the 1st respondent to renew the licence issued to the petitioner without insisting for a consent letter from the landlord as demanded in Ext.P4.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-