

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 6660 of 2015 (F)

PETITIONER :

**M/S.SOUTHERN GRANITE INDUSTRIES,
MOOKKUNNIMALA, EDACODE, NEMOM P.O.
THIRUVANANTHAPURAM
REPRESENTED BY ITS MANAGING DIRECTOR,
K.J. THOMASKUTTY, AGED 59 YEARS**

**BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.ENOCH DAVID SIMON JOEL**

RESPONDENTS :

**1. PALLICHAL GRAMA PANCHAYAT
VEDIVACHANKOVIL P.O., BALARAMAPURAM
THIRUVANANTHAPURAM -695501
REPRESENTED BY ITS SECRETARY.**

**2. SECRETARY,
PALLICHAL GRAMA PANCHAYATH, VEDIVACHANKOVIL P.O.
BALARAMAPURAM, THIRUVANANTHAPURAM - 695 501.**

R1 & R2 BY SRI.T.KANANDA KRISHNAN SC,

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE PANCHAYATH LICENCE DATED 04/04/2014 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT-P2: TRUE COPY OF THE APPLICATION DATED 31/01/2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT-P2(A):TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-P2

EXHIBIT-P2(B):TRUE COPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT.

EXHIBIT-P3: TRUE COPY OF THE JUDGMENT DATED 20/02/2015 IN W.P(C) 4515/2015

EXHIBIT-P4: TRUE COPY OF THE LETTER DATED 28/02/2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXHIBIT-P4(A):TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-P4

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 6660 of 2015

Dated this the 04th day of March, 2015

JUDGMENT

On earlier occasion, the petitioner filed W.P. (C) No. 4515/2015 and invited Exhibit P3 judgment from this Court. The grievance of the petitioner at that time was that the respondent Grama Panchayat had not considered its application for D&O licence. Through a judgment dated 20.02.2015, this Court directed the second respondent to consider the petitioners application for renewal of D&O licence and pass appropriate orders thereon, as expeditiously as possible.

2. In compliance with Exhibit P3 judgment of this Court, the second respondent issued Exhibit P4 proceedings, rejecting the renewal of D&O licence on the ground that certain public spirited persons constituting themselves into Mookunnimala Samathi have protested against the renewal of the said licence. Aggrieved thereby, the petitioner has once again approached this Court by filing the present writ

petition.

3. When this Court queried, the learned counsel for the Grama Panchayat has, to his credit, submitted that there is no specific provision which empowers the second respondent to reject either the grant or the renewal of D&O licence based on protest. If that submission is to be accepted, Exhibit P4 is wholly untenable, requiring to be set aside and is accordingly set aside.

4. Expressing displeasure at the cavalier manner in which the second respondent has come to pass Exhibit P4, this Court, expecting the authority to pass orders only based on legal and tenable objections, if any, from any person concerned, disposes of the present writ petition with a direction to the second respondent to re-consider the petitioner's application and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of two weeks from the date of receipt of a copy of this judgment.

With the above observation, this writ petition is disposed of. No order as to costs.

DAMA SESHADRI NAIDU
JUDGE