

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 7089 of 2015 (I)

PETITIONER:

KANICHA HOTELS (P) LIMITED,
HOTEL LUCIA BUILDING, EAST FORT,
THIRUVANANTHAPURAM - 695 023
REPRESENTED BY THE MANAGING
DIRECTOR REGI VARGHESE.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

1. THE CORPORATION OF THIRUVANANTHAPURAM
THIRUVANANTHAPURAM- 695 001
REPRESENTED BY ITS SECRETARY.
2. THE HEALTH INSPECTOR,
CORPORATION OF THIRUVANANTHAPURAM,
FORT CIRCLE, THIRUVANANTHAPURAM - 695 001.

BY SR. ADV. SRI.N.NANDAKUMARA MENON

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 7089 of 2015 (I)

PETITIONER'S EXHIBITS:

EXHIBIT P1:-TRUE COPY OF THE NOTICE NO.FE2/11378/14 DATED 07.04.2014

EXHIBIT P1(a) ENGLISH TRANSLATION OF EXT. P1

EXHIBIT P2:- TRUE COPY OF THE REPLY DATED 12-05-2014 GIVEN TO THE 1ST RESPONDENT.

EXHIBIT P3:-TRUE COPY OF THE NOTICE NO.FE2/11378/14 DATED 03.09.2014

EXHIBIT P3(a) ENGLISH TRANSLATION OF EXT. P3.

EXHIBIT P4:-TRUE COPY OF THE NOTICE NO.H1/FRT 17/15 DATED 07.02.2015.

EXHIBIT P4(a) ENGLISH TRANSLATION OF EXT. P4.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.7089 of 2015 I

Dated this the 17th day of March, 2015

JUDGMENT

The petitioner has approached this Court ventilating its grievance that the respondent Corporation issued Exhibit P4 notice without following the due process, requiring it to cut down three almond trees.

2. The learned Senior Counsel for the respondent Corporation has fairly submitted that Exhibit P4 can be treated as a show cause notice and that the petitioner is at liberty to submit its explanation in that regard. The learned counsel for the petitioner has also readily agreed for the said suggestion.

3. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Senior Counsel for the respondent, this Court disposes of the writ petition

declaring that Exhibit P4 is to be treated as a show cause notice, in response to which the petitioner is at liberty to submit its explanation within two weeks from the date of receipt of a copy of this judgment. Once an explanation is submitted by the petitioner, the respondent Corporation shall consider it, after affording an opportunity of hearing to the petitioner, in accordance with law and pass appropriate orders thereon as expeditiously as possible.

Dama Seshadri Naidu, Judge

tkv