

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 7303 of 2015 (K)

PETITIONER:

JOY JOSE,
S/O.JOSE E.D., ELAVUTHMKAL HOUSE
NOW RESIDING AT SIVAGANGA LAKEVIEW APARTMENTS
FLAT NO.5, VADAKKECHIRA, THRISSUR DISTRICT.

BY ADVS.SRI.MATHEW JOHN (K)
SRI.DOMSON J.VATTAKUZH

RESPONDENT:

THE ADDITIONAL DISTRICT MAGISTRATE
THRISSUR - 679 105.

BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 7303 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 - A TRUE COPY OF THE ORDER DATED 26-4-2012 BY THE RESPONDENT.

EXT.P2 - A TRUE COPY OF THE MEMORANDUM OF APPEAL BY THE PETITIONER
DATED 25-6-2012 BEFORE THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM.

EXT.P3 - A TRUE COPY OF THE ORDER DATED 25-4-2014 BY THE LAND REVENUE
COMMISSIONER, THIRUVANANTHAPURAM.

EXT.P4 - A TRUE COPY OF THE ORDER OF THE RESPONDENT DATED 10-11-2014.

RESPONDENTS' EXHIBITS : NIL

// TRUE COPY //

PA TO JUDGE

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P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 7303 of 2015

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Dated, this the 23rd day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) Call for the records leading up to Ext. P4 and to issue a writ in the nature of certiorari or any other appropriate writ, direction or order quashing Ext. P4.

(ii) Issue a writ in the nature of mandamus or any other appropriate writ, direction or order commanding the respondent to grant renewal of the license bearing No. 1254/TCR with respect to SSBL 44917 applied vide application dated 08.12.2011.

(iii) Issue such other writ, direction or order as are just and necessary in the facts and circumstances of the case to meet the ends of justice.

2. The sequence of events shows that the petitioner is the holder of licence bearing No. 1254/TCR in respect of the Arm SSBL 44917 for the past nearly 18 years. It is stated that the licence was issued to the petitioner after ascertaining the genuineness of the claim and considering the facts and figures and that the same was

being renewed from time to time. This time also, the petitioner sought for renewal of the licence before the expiry, but the same was rejected by the respondent in a casual manner vide Ext. P1. Being aggrieved of Ext. P1, the petitioner approached the appellate authority, whereby Ext. P1 order set aside and the respondent was directed to consider the matter afresh after taking evidence. Pursuant to Ext. P3, the matter was considered by the respondent, who passed Ext. P4 order, rejecting the application merely on the basis of police report.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides and on going through the pleadings and proceedings, this Court finds that there is no application of mind by the respondent, with regard to the genuineness of the grievance projected by the petitioner. The threat perspective of the petitioner has not been properly appreciated. The manner in which it has to be considered has been explained by this Court in the decision reported in **2015 (1) KLT 41 [Chadran Nair Vs. Addl. District Magistrate]**. In the said circumstances, Ext. P4 will stand set aside. There will be a direction to the respondent to have the matter reconsidered, in the

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light of the decision cited supra, after giving an opportunity of hearing to the petitioner, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the respondent for further steps.

The Writ Petition is disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd