

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937**

**WP(C).No. 9143 of 2015 (P)**  
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**PETITIONER :**  
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**JOSE THOMAS, AGED 56 YEARS,  
S/O.THOMAS, AGED 47 YEARS, PULLANTHIYIL HOUSE,  
ELACKAD P.O., KOTTAYAM DISTRICT  
REP. BY HIS POWER OF ATTORNEY HOLDER,  
MRS.ROSAMMA THOMAS, D/O.THOMAS, KOILCARA HOUSE,  
KURAVILANGAD P.O., KOTTAYAM DISTRICT.**

**BY ADVS.SRI.K.P.SUDHEER  
SRI.ARUN MATHEW VADAKKAN**

**RESPONDENTS :**  
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- 1. CORPORATION OF KOCHI,  
REP. BY ITS SECRETARY, CORPORATION OF KOCHI,  
ERNAKULAM, KOCHI-682011.**
- 2. V.N.RAJEEVAN,  
VELLILAMTHADATHIL VEEDU, KUMMANCHERRY KAVALA,  
KALAMASSERY POST, ERNAKULAM DISTRICT, PIN-683 104.**
- 3. JESSY JOSEPH,  
W/O.SHIJU C.JOSEPH, CHINGAMTHOTTATHIL VEEDU,  
PAIKKAD POST, MEENACHIL, KOTTAYAM DISTRICT.**
- 4. SHIJU C.JOSEPH,  
CHINGAMTHOTTATHIL VEEDU, PAIKKAD POST, MEENACHIL  
KOTTAYAM DISTRICT.**
- 5. S.S.ASHARAF,  
S/O.SAINUDHEEN, SRAMBIKKAL VEEDU,  
CHANGAMPUZHA NAGAR POST, KALAMASSERY  
ERNAKULAM DISTRICT, PIN-682 033.**

**R1 BY ADV. SRI.RAAJESH S.SUBRAHMANIAN,SC,  
R3 & R4 BY ADV. SRI.P.S.NANDANAN  
BY ADV. SRI.P.N.ANOOP  
R5 BY ADV. SRI.C.S.MANU  
BY SRI.P.K.SOYUZ,SC,COCHIN CORPORATION**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 02-07-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXT P1 : TRUE COPY OF THE POSSESSION CERTIFICATE DATED 04-02-2015  
ISSUED BY VILLAGE OFFICER, EDAPPALLY NORTH ALONG WITH ITS  
ENGLISH TRANSLATION.
- EXT P2 : TRUE COPY OF THE MEMO DATED 16-01-2015 ISSUED BY THE 1ST  
RESPONDENT.
- EXT P3 : TRUE COPY OF THE PROPERTY TAX RECEIPT DATED 16-01-2015  
ISSUED BY THE 1ST RESPONDENT.
- EXT P4 : TRUE COPIES OF RECEIPTS (2 NOS) DATED 06-08-2011 ISSUED BY  
THE 1ST RESPONDENT TO THE 4TH RESPONDENT.
- EXT P5 : TRUE COPY OF PETITION DATED 05-02-2015 SUBMITTED BY THE  
PETITIONER BEFORE THE 1ST RESPONDENT ALONG WITH ITS  
ENGLISH TRANSLATION.
- EXT P6 : TRUE COPY OF THE PLAINT DATED 11-02-2015 IN OS.NO.51/2015 ON  
THE FILE OF THE SUB COURT, ERNAKULAM.
- EXT P7 : TRUE COPY OF THE SUMMONS ISSUED BY THE SUB COURT,  
ERNAKULAM IN OS.NO.51/2015 TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

**A.V.RAMAKRISHNA PILLAI, J.**

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W.P(C) No.9143 of 2015

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Dated this the 2<sup>nd</sup> day of July, 2015

**JUDGMENT**

The petitioner has approached this Court aggrieved by the non-consideration of Ext.P5 petition by the first respondent.

2. The petitioner acquired a parcel of land having an extent of 2.83 ares in Sy. No.95/17A of Edappally North village, together with a building bearing Door No.49/1598-C of 1<sup>st</sup> respondent corporation as per Sale Deed dated 23.09.2013 registered as Document No.3354/2013 of Edappally SRO. Exts.P1 to P3 would show that mutation has been effected in favour of the petitioner. Ext.P4 would show that licence was issued in favour of the 4<sup>th</sup> respondent. The petitioner alleges that now respondents 3 to 5 inducted the 2<sup>nd</sup> respondent in the building and obtained D&O licence in the name of the 2<sup>nd</sup> respondent.

3. According to the petitioner, it is suppressing the material facts and misleading the 1<sup>st</sup> respondent corporation, the 2<sup>nd</sup> respondent obtained the licence. Therefore, the petitioner submitted Ext.P5 complaint requesting the 1<sup>st</sup> respondent corporation to cancel the licence and not to renew the licence in favour of the 2<sup>nd</sup> respondent for the period 2015-16. It was thereafter the

petitioner received Ext.P7 summons from the Subordinate Judge's Court, Ernakulam and Ext.P6 is the plaint.

4. The grievance of the petitioner is that the 1<sup>st</sup> respondent has not taken any decision on Ext.P5 and the 2<sup>nd</sup> respondent is taking hectic steps to get the licence renewed. The petitioner points out that Section 492(4) of the Kerala Municipalities Act clearly provides that the consent of the landlord is required when the applicant is a person different from the original licensee or any legal heir of the original licensee. According to him, the 2<sup>nd</sup> respondent is neither the original licensee nor the legal heir of the original licensee. It is with this background, the petitioner has come up before this Court.

5. Arguments have been heard.

6. Today when the matter came up for hearing, the learned counsel for the petitioner submitted that the hearing is already conducted by the respondent corporation on 13.3.2015.

Therefore, the writ petition is disposed of directing the respondent to pass final orders on Ext.P5 petition within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-

**A.V.RAMAKRISHNA PILLAI**  
**JUDGE**

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