

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 9262 of 2015 (G)

PETITIONER :

**JUMAILA NOUSHAD, AGED 42 YEARS,
W/O.LATE NOUSHAD, PUTHEN VEETIL, ATHIRUMPUZHA
ATHIRUMPUZHA(P.O), KOTTAYAM DISTRICT. PIN-686 562.**

**BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN
SRI.ARUN BOSE**

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM. PIN-695 001.**
- 2. ATHIRUMPUZHA GRAMA PANCHAYAT
ATHIRUMPUZHA (PO), KOTTAYAM DISTRICT, PIN-686 562
REPRESENTED BY ITS SECRETARY.**
- 3. THE SECRETARY
ATHIRUMPUZHA GRAMA PANCHAYAT, ATHIRUMPUZHA (PO)
KOTTAYAM DISTRICT, PIN-686 562.**

**R1 BY GOVERNMENT PLEADER SMT. C.K. SHERIN
R2 & R3 BY ADV. SRI.RAJESH THOMAS,SC,**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE LICENSE BEARING NO.B1-325/13-14 DATED 2.1.2014.
- P2: TRUE COPY OF THE LICENSE DT. 27.05.2014.
- P3: TRUE COPY OF THE ORDER NO.A3.3200/14 DATED 21.06.2014 OF THE 3RD RESPONDENT.
- P4: TRUE COPY OF THE ORDER NO.A3-3200/14 DATED 30.06.2014.
- P5: TRUE COPY OF THE ORDER DT. 04.07.2014 IN I.A.NO.1600/2014 IN APPEAL NO.773/2014 OF THE HON'BLE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS.
- P6: TRUE COPY OF THE RECEIPT DT. 16.03.2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 9262 of 2015

Dated this the 27th day of March, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, as well as the learned Standing Counsel for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, who runs a cold storage, had her licence cancelled by the respondent Grama Panchayat through Exhibit P4, which in fact has been appealed against by the petitioner before the learned Tribunal for Local Self Government Institutions, Thiruvananthapuram. After initial suspension of licence, the learned Tribunal is said to have heard the matter finally and reserved for orders.

3. As a matter of subsequent developments, pending adjudication of the statutory appeal filed by the petitioner, her licence is to come to an end by 31.03.2015. Seeking renewal thereof the petitioner submitted an application, the receipt of which by the respondent Grama Panchayat is evident from Exhibit P6. Complaining of delay in the respondent Grama Panchayat's considering the petitioner's application for renewal, she has approached this Court.

4. The learned Standing Counsel for the respondent Grama Panchayat has submitted that the learned Tribunal having heard the matter was to have delivered the order yesterday, but it adjourned the matter to 08.04.2015. He has, however, to his credit, submitted that subject to the outcome of the statutory appeal filed by the petitioner before the learned Tribunal, the respondent Grama Panchayat is willing to consider petitioner's application for renewal, provided she fulfills all other statutory parameters. I do find justification and fairness in the submission of the learned counsel for the respondent Grama Panchayat.

5. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the

petitioner and the learned Standing Counsel for the respondents, this Court, disposes of the writ petition with a direction to the respondent Grama Panchayat to consider petitioner's application for the renewal of D&O licence, subject to the outcome of the statutory appeal pending before the learned Tribunal, provided the petitioner fulfills all other statutory parameters. It is made clear that the respondent Grama Panchayat shall take an appropriate decision on the renewal as expeditiously as possible, at any rate, within a period of 15 days from the date of receipt of a copy of this judgment.

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

DAMA SESHADRI NAIDU
JUDGE

DMR/-