

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 11156 of 2015 (T)

PETITIONER:

**K.P.BASHEER, S/O. MAMMU MOLLA,
AGED 52 YEARS, M.M. HOUSE,
KATTAYATHU PARAMBA, KALLAYI POST,
KOZHIKODE DISTRICT, PIN - 673 003.**

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

RESPONDENT(S):

- 1. KOZHIKODE CORPORATION,
KOZHIKODE - 673 001,
REPRESENTED BY ITS SECRETARY.**
- 2. KOZHIKODE CORPORATION,
ZONAL OFFICE, CHERUVANNUR -
NALLALAM, KOZHIKODE - 673 027,
REPRESENTED BY ITS SECRETARY.**
- 3. THE REVENUE INSPECTOR,
KOZHIKODE CORPORATION, KOZHIKODE - 673 001.**
- 4. ABDU RAHMAN, RAHMAN BAZAR,
KOLATHARA POST - 673 655
KOZHIKODE DISTRICT.**

R1 TO R3 BY SRI.K.D.BABU,SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 11156 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT-P1- TRUE COPY OF RECEIPT DATED 23/05/2014 ISSUED BY THE
IST RESPONDENT CORPORATION FOR THE PERIOD 2014-15.
- EXHIBIT-P2- TRUE COPY OF COMMUNICATION NO. A8/2616/2011 DATED 30/03/2011
ISSUED BY THE IST RESPONDENT AND ITS ENGLISH TRANSLATION.
- EXHIBIT-P3- TRUE COPY OF RECEIPT DATED 24/12/2014 ISSUED BY KERALA
STATE ELECTRICITY BOARD.
- EXHIBIT-P4- TRUE COPY OF RECEIPT (2 NOS) ISSUED BY THE IST RESPONDENT
CORPORATION.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 11156 of 2015

Dated this the 08th day of April, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Corporation, 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. The petitioner, apart from being a licence holder for collecting the fee from the market for the year 2014-2015, which came to an end by 31st March, 2015, has also got a beef stall in the market. Though he could not succeed in having the right to collect the fee for the present year, i.e. 2015-2016, he still had the subsisting licence for beef stall till 31.03.2015. Ventilating his grievance that the D&O licence for the beef stall has not been renewed by the respondent Corporation, the petitioner has approached this

Court.

3. The learned Standing Counsel for the respondent Corporation has submitted that, so far the petitioner has not made any application so that the respondent Corporation could consider the petitioner's claim for renewal.

4. In reply thereto, though the learned counsel for the petitioner has submitted that he has already submitted an application for renewal, this Court does not find any material on record in support of the said submission. At any rate, the learned counsel for the petitioner has urged this Court to dispose of the writ petition with a direction to the respondent Corporation to consider the petitioner's soon to be filed application for renewal at the earliest.

5. Indeed, this Court is conscious that any direction to the respondent Corporation to consider an application which is yet to be filed looks rather incongruous. At any rate, given the peculiar set of facts and also given the fair concession made by the learned Senior Counsel for the respondent Corporation that the Corporation does not have any reservation to consider the petitioner's application strictly in statutory terms, if he makes such an application.

6. This Court, therefore, disposes of the writ petition, leaving it open for the petitioner to file an application for renewal of D&O licence for his beef stall. Once such an application is made, needless to observe, the respondent Corporation shall make every endeavour to consider it on merits and dispose it of at the earliest. Till the petitioner's application is considered, the respondent Corporation may not disturb the petitioner's business.

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

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-