

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 27TH DAY OF NOVEMBER 2015 /6TH AGRAHAYANA, 1937

WP(C).No. 15731 of 2013 (N)

PETITIONER :

MUMTAZ ISMAIL,
AGED 36,
W/O.ISMAIL, MEMADANGIL HOUSE, VENGALLOOR P.O.,
THODUPUZHA, IDUKKI DISTRICT, PIN-685608.

BY ADVS.SRI.P.K.IBRAHIM
SMT.A.A.SHIBI

RESPONDENTS :

1. THODUPUZHA MUNICIPALITY,
MUNICIPAL OFFICE, THODUPUZHA, IDUKKI,
PIN-685584, REPRESENTED BY ITS SECRETARY.
2. THE SECRETARY,
THODUPUZHA MUNICIPALITY, MUNICIPAL OFFICE, THODUPUZHA,
IDUKKI, PIN-685584.

BY ADV. SRI.P.K.SOYUZ,THODUPUZHA MUNICIPALIT

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 15731 of 2013 (N)

APPENDIX

PETITIONER'S EXHIBITS :-

- EXHIBIT P1 : TRUE COPY OF THE NOTICE DT.3-3-2013 ADDRESSED TO THE PETITIONER.
- EXHIBIT P2 : TRUE COPY OF THE RECEIPT ISSUED BY THE OFFICE OF THE RESPONDENTS ON 13-3-2013 FOR THE APPLICATION TO RENEW THE RENT DEED.
- EXHIBIT P3 : TRUE COPY OF THE NOTICE DT.7-3-2013 ISSUED BY R2.
- EXHIBIT P4 : TRUE COPY OF THE APPEAL DTD.12-3-2013.
- EXHIBIT P5 : TRUE COPY OF THE COMMUNICATION DTD.15-5-2013 SENT BY R2 DISMISSING THE APPEAL.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDHAN, J.

W.P.(C)No.15731 of 2013

Dated this the 27th day of November, 2015

JUDGMENT

The petitioner, who has established a flour mill in Mini Women Industrial Estate, Thodupuzha under the name and style M/s.AMI Flour Mills in room No.2 (building No.26/182 B) owned by Thodupuzha Municipality, has filed this Writ Petition seeking a writ of certiorari to quash Ext.P5 communication and seeking a writ of mandamus commanding the respondents to renew the D & O licence issued to the flour mill.

2. By order dated 21.6.2013 this Court recorded the submission made by the learned Standing Counsel for the 1st respondent Municipality that a copy of the order referred to in Ext.P5 will be furnished to the petitioner within a week and that the petitioner shall be permitted to continue in the premises occupied by her till then.

3. I heard the arguments of the learned counsel for the petitioner and also the learned Standing Counsel for the respondents.

4. The learned counsel for the petitioner would submit that, in spite of the aforesaid order dated 21.6.2013 the petitioner is yet to be furnished with a copy of decision No.26 of the Municipal Council dated 8.5.2013 referred to in Ext.P5 communication.

5. The learned Standing Counsel for the respondents has no instruction as to whether a copy of the aforesaid decision has already been provided to the petitioner. The learned Standing Counsel would submit that, if copy of the aforesaid decision is not yet furnished, the Secretary of the Municipality shall furnish the same to the petitioner within a period of two weeks, so as to enable her to challenge it before appropriate forum.

Recording the aforesaid submission made by the learned Standing Counsel for the respondents, this Writ Petition is disposed of directing the 2nd respondent to furnish the petitioner a copy of decision No.26 of the Municipal Council dated 8.5.2013 referred to in Ext.P5 communication, if the same is not yet furnished in terms of order dated 21.6.2013 of this Court. This shall be done within a period of two weeks from the date of receipt of a certified copy of this judgment.

All contentions raised in the Writ Petition are left open.

Sd/-

ANIL K.NARENDRA, JUDGE

skj

True copy

P.A to Judge