

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

WP(C).No.15350 of 2015 (P)

PETITIONER:

**M.V.BABU,AGED 44 YEARS,S/O.VARGHESE,
MADATHIPARAMBIL HOUSE,MANJUMMEL P.O,
PARAVOOR TALUK,ELOOR VILLAGE,
ERNAKULAM DISTRICT,PIN CODE-683501.**

**BY ADVS.SRI.P.P.THAJUDEEN
SRI.K.A.ANI JOSEPH
SMT.C.SEENA**

RESPONDENTS:

- 1. ELOOR MUNICIPALITY,REPRESENTED BY ITS SECRETARY,
ELOOR,ERNAKULAM,PIN CODE-683501.**
- 2. THE SECRETARY,ELOOR MUNICIPALITY,
ELOOR,ERNAKULAM,PIN CODE-683501.**
- 3. THE MUNCIPAL COUNCIL,ELOOR MUNICIPALITY,
REPRESENTED BY ITS CHAIRMAN,
ELOOR MUNICIPALITY,ELOOR,ERNAKULAM,
PIN-683501.**

**BY SRI.R.SANJITH,S.C
SMT.C.S.SINDHU KRISHNAH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

APPENDIX

PETITIONER'S EXHIBITS:

- P1:- TRUE COPY OF THE LICENCE DTD 14/12/1978 ISSUED BY THE ELOOR GRAMA PANCHAYATH TO THE FATHER OF THE PETITIONER.
- P2:- TRUE PHOTO COPY OF THE LICENSE ISSUED IN FAVOUR OF THE PETITIONER IN THE YEAR 1994/1995 FOR MEAT VENDING.
- P3:- TRUE PHOTO COPY OF THE REGISTERED WRITTEN LETTER OF CONSENT ISSUED BY THE MOTHER OF THE PETITIONER UPON THE CONSENT OF THE OTHER BROTHERS AND SISTERS OF THE PETITIONER.
- P4:- THE TRUE PHOTO COPY OF THE RECEIPT ISSUED BY THE FIRST RESPONDENT FOR THE RECEIPT OF THE APPLICATION FOR RENEWAL OF THE LICENSE.
- P5:- TRUE COPY OF THE OS NO 318 OF 2014 FILED BEFORE THE MUNSIFF COURT AT NORTH PARUR.
- P6:- TRUE COPY OF THE COMPLAINT DTD 5/12/2014.
- P7:- TRUE COPIES OF RECEIPTS RECEIVED FROM THE KALOOR SLAUGHTER HOUSE FROM 12/1/2015 TO 22/3/2015.
- P8:- TRUE COPY OF THE NOTICE DTD 18/4/2015 ISSUED BY THE 2ND RESPONDENT.
- P9:- TRUE COPY OF THE STATUTORY APPEAL FILED BY THE PETITIONER DATED 22.4.2015 (WITHOUT DOCUMENTS).

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.15350 of 2015

Dated this the 11th day of June, 2015.

JUDGMENT

Aggrieved by the non-consideration of the statutory appeal submitted by the petitioner before the Municipal Council of the respondent Municipality, the petitioner has come up before this Court.

2. The petitioner is running a business of selling meat with the licence of the panchayath. The petitioner alleges that every year, he had applied for the renewal of licence and those applications were never rejected. The petitioner filed application for renewal during the last year and this year. In the meanwhile, the elder brother who has gained windfall profit out of illegal real estate wanted to sell the whole property including the shop and therefore wanted to oust the petitioner; it is alleged. The elder brother preferred O.S.No.318 of 2014 for partition of the property before the Munsiff Court at North Paroor. Certain complaints are also

filed by the family members. Upon one of those complaints, the second respondent issued Ext.P8 notice to the petitioner and aggrieved by the notice, the petitioner preferred a statutory appeal before the third respondent, but the same has not yet been considered.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

Today, when the matter came up for hearing, the learned counsel for the respondent municipality on instructions submitted that Ext.P9 appeal has been considered and disposed of.

Recording the said submission, the writ petition is dismissed. It shall be open to the petitioner to challenge the order passed on Ext.P9 before the appropriate forum, if he is aggrieved.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.