IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(C).NO. 16784 OF 2015 (W)

PETITIONER(S):

FUTURE RETAIL LIMITED, (BIG BAZAAR),
TC 38/1650 (5) TO (11) MALABAR CASTLE,
PAZHAVANGADI, M.G. ROAD, THIRUVANANTHAPURAM,
REPRESENTED BY ITS AUTHORISED SIGNATORY
STORE MANAGER-OPERATIONS MR.DEEPESH.M.,
AGED 37 YEARS, S/O.HARIDAS.

BY ADVS.SRI.SHYAM SEKHAR.K.R.,
SRI.P.V.ANIL.

RESPONDENT(S):
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1. CORPORATION OF TRIVANDRUM,
REPRESENTED BY ITS SECRETARY, PALAYAM,
THIRUVANANTHAPURAM- 695 034.

2. CORPORATION OF TRIVANDRUM,
REPRESENTED BY ITS COUNCIL,
PALAYAM, THIRUVANANTHAPURAM- 695 034.

BY ADV. SRI.P.K.MANOJKUMAR,SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

WP(C).NO. 16784 OF 2015 (W)

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1	COPY OF THE RESOLUTION DATED 28TH MAY 2015.
EXT.P2	COPY OF THE BUILDING TAX RECEIPT BY NO.1901 DATED 07/04/2007 WITH RESPECT TO BUILDING BEARING T.C.NO. 38/1650(5).
EXT.P3	COPY OF THE BUILDING TAX RECEIPT BY NO.1902 DATED 07/04/2007 WITH RESPECT TO BUILDING BEARING T.C.NO. 38/1650(6).
EXT.P4	COPY OF THE BUILDING TAX RECEIPT BY NO.1903 DATED 07/04/2007 WITH RESPECT TO BUILDING BEARING T.C.NO. 38/1650(7)
EXT.P5	COPY OF THE BUILDING TAX RECEIPT BY NO.1904 DATED 07/04/2007 WITH RESPECT TO BUILDING BEARING T.C.NO. 38/1650(8).
EXT.P6	COPY OF THE BUILDING TAX RECEIPT BY NO.1907 DATED 07/04/2007 WITH RESPECT TO BUILDING BEARING T.C.NO. 38/1650(11).
EXT.P7	COPY OF THE INTERIM ORDER DATED 06/01/2009 IN WP.(C) NO.28031/2008 ON THE FILE OF THIS HON'BLE COURT.
EXT.P8	COPY OF THE INTERIM ORDER IN WP.(C) NO.23561/2009 DATED 18/08/2009 ON THE FILE OF THE HON'BLE COURT.
EXT.P9	COPY OF THE ORDER IS RP.46/2012 DATED 21/03/2013 PASSED BY THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.
EXT.P10	COPY OF THE DEMAND DRAFT NO.930603 DATED 30/03/2013.
EXT.P11	COPY OF THE APPLICATION NO. 18581 DATED 26/02/2015 ALONG WITH THE DOCUMENTS.
EXT.P12	COPY OF THE NOTICE BY NO.H12/33127/15 DATED 10/04/2015.
EXT.P13	COPY OF THE RECEIPT BY NOS.0605316 DATED 19/05/2015.
EXT.P14	COPY OF THE RECEIPT BY NO. 0605317 DATED 19/05/2015 ALONG WITH THE DOCUMENTS.
EXT.P15	COPY OF THE APPEAL DATED 23/05/2015 FILED BY THE PETITONER BEFORE THE 2ND RESPONDENT.

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WP(C).NO. 16784 OF 2015 (W)

EXT.P15(A) **COPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT .**

EXT.P16 **COPY OF THE RECEIPT BY NO. 69302 DATED 23/05/2015.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 16784 of 2015

Dated this the 5th day of June, 2015

<u>J U D G M E N T</u>

Aggrieved by the inaction on the part of the 2nd respondent in considering Ext.P15 appeal and Ext.P15(a) stay petition, the petitioner has come up before this Court.

2. The petitioner company, engaged in Hyper Market-Business under name and style “Big Bazzar”, is running business under tenancy arrangement within TC No.38/1650(5) to (8) and (11) from 07.04.2007. The 1st respondent allotted building numbers; and building tax was assessed vide Exts.P2 to P6. The respondent granted trade licence as well in favour of the petitioner. The petitioner alleges that under the guise of some acquisition proceedings initiated by the Department of Revenue, the 1st respondent decided to stop assessment of building tax in respect of the building, wherein the petitioner is

running the retail store. Deliberate non assessment of building tax followed by non-renewal of business licence culminated in issuance of order of closure by the 1st respondent and this Court, vide Ext.P8, stayed the same and the order is still in force. Rejection of renewal of licence by the respondents were challenged before the Tribunal for Local Self Government Institutions, Thiruvananthapuram; and as per Ext.P9 judgment, though the Tribunal directed the 1st respondent to accept tax and to grant trade licence to the petitioner from 01.04.2011 to 31.03.2014, till date, the licence has not been renewed; it is alleged. Again, the petitioner filed application for renewal of licence for 2015-16 as per Ext.P11, which was rejected vide Ext.P12. Against Ext.P12, the petitioner filed Ext.P15 appeal along with Ext.P15(a) stay petition, which have not been numbered or have not been assigned a date of posting. The petitioner further alleges that taking advantage of that, the 1st respondent threatened the petitioner to close down the retail shop under the pretext of want of licence and implementing Ext.P12. It is in this context, the petitioner has come up before this Court.

3. Heard the learned counsel for the petitioner and the learned senior counsel for the respondent corporation.

As Exts.P15 appeal and P15(a) stay petition are pending consideration before the 2nd respondent, the writ petition is disposed of directing the 2nd respondent to consider and pass appropriate orders on Exts.P15 & P15 (a) within a period of three weeks. Till the stay petition is considered and disposed of by the 2nd respondent, the petitioner shall be permitted to continue in the premises in dispute.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-