

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 20096 of 2013 (J)

PETITIONER :

**A. SAROJINI AMMA, AGED 61 YEARS,
D/O. LATE AMMUKUTTY AMMA, MURUKALAYAM, MALAYINKEEZHU
MACHEL P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI. GOPAKUMAR R.THALIYAL

RESPONDENTS :

**1. THIRUVANANTHAPURAM CORPORATION,
THIRUVANANTHAPURAM, PIN-695 001
REPRESENTED BY ITS SECRETARY.**

**2. THE SECRETARY,
THIRUVANANTHAPURAM CORPORATION,
THIRUVANANTHAPURAM-695 001.**

**BY ADVS. SRI.N.NANDAKUMARA MENON (SR.)
SRI. P.K. MANOJKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1 : TRUE COPY OF THE RECEIPT DTD 08.08.1988.

EXT. P2 : TRUE COPY OF THE AGREEMENT DTD 29.01.2013.

EXT. P3 : TRUE COPY OF THE REPRESENTATION DTD 11.07.2013.

EXT. P4 : TRUE COPY OF THE REPRESENTATION DTD 30.07.2013.

RESPONDENT(S)' EXHIBITS

ANNEXURE-I : THE PHOTOSTAT COPY OF THE LETTER NO.ZE4/10193/13 DATED 18.10.2013 ISSUED BY THE HEALTH SUPERVISOR, CORPORATION OF THIRUVANANTHAPURAM, TO THE A. SAROJINI, MURUGALAYAM, SIVAJIPURAM, VALIYARATHALA.

//TRUE COPY//

P.A. TO JUDGE

A.M.SHAFIQUE, J.

W.P.(C)No.20096 of 2013

Dated this the 24th day of June, 2015

JUDGMENT

The petitioner had approached this Court complaining of removal of her bunk shop by the Corporation authorities and seeking for a direction to the respondents to issue license to the petitioner for running the business in the bunk shop situated at Attakulangara, Thiruvananthapuram.

2. The petitioner submits that the bunk shop was in existence since 1988. One Mr.K.Maniyan was running the business in the year 1988. In the year 2005, she was entrusted to run the bunk shop. She was continuing business since 2005. Agreement in that regard, between Sri.K.Maniyan and the petitioner dated 29.01.2013 is produced as Ext.P2. In the meantime, certain officials of the Health Department removed the said bunk shop. It is challenging the aforesaid action of the

respondents that this writ petition has been filed.

3. Statement has been filed by the first respondent, inter alia stating that the bunk shop was situated adjacent to the KSRTC Bus stop at East Fort and touching the compound wall of the Central School on the footpath. The bunk shop was causing serious obstruction to the pedestrians and also to vehicular traffic. The bunk shop was removed by the Corporation on 11.04.2013 along with other bunk shops similarly situated. The petitioner had submitted an application for grant of license to the bunk shop, which was rejected as per letter dated 18.10.2013.

4. The learned Senior Counsel appearing for the first respondent submits that this Court had occasion to consider the claim of such bunk shops being set up in footpaths or pavements in **Yacob v. State of Kerala [1995 (1) KLT 100]** in which a learned Single Judge of this Court after considering the claims of similarly situated persons had rejected their claim on a finding that they have no legal right to demand that they should be permitted to operate the bunk shops.

5. Though it is contended by the petitioner, that some

fee was being paid, there is no material to indicate that the bunk shop in occupation of the petitioner was an authorized bunk shop. When it is stated by the 1st respondent that it was causing obstruction to the pedestrians as well as the traffic, necessarily it is the duty of the Corporation to ensure that such unauthorized structures are removed. Hence the Corporation cannot be found fault with. As far as the right of the petitioner for another bunk shop in other areas are concerned, it is for the petitioner to approach the Corporation and make necessary representation in that regard. Other than that, I do not think that this Court will be justified in issuing any direction as sought for.

In the result, there being no merit in this Writ Petition, it is dismissed.

Sd/-
A.M.SHAFFIQUE
JUDGE

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//TRUE COPY//

P.A. TO JUDGE