

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 21693 of 2010 (J)

PETITIONER:

R.A.RAHNA, W/O K.M.ANZAR,
KALLUNGAL HOUSE, PULLUTT, THRISSUR DISTRICT.

BY ADV. SRI.K.B.GANGESH

RESPONDENTS:

1. KODUNGALLUR MUNICIPALITY
REP. BY ITS SECRETARY, MUNICIPAL OFFICE
KODUNGALLUR-680 664.
2. THE SECRETARY,
KODUNGALLUR MUNICIPALITY, MUNICIPAL OFFICE
KODUNGALLUR-680 664.

R1-R2 BY ADV. SRI.BABU KARUKAPADATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 21693 of 2010 (J)

APPENDIX

PETITIONER'S EXTS

EXT.P1:- TRUE COPY OF THE RE-TENDER NOTIFICATION NO.R2-15064/05 DATED 23/01/2008 ISSUED BY THE 1ST RESPONDENT.

EXT.P2:- TRUE COPY OF THE TERMS AND CONDITIONS FOR LICENSING OF SHOP ROOMS IN THE MARKET-CUM-SHOPPING COMPLEX OF KODUNGALLUR MUNICIPALITY.

EXT.P3:- TRUE COPY OF THE COMMUNICATION NO.R2-15064/05 VOL II DATED 27/08/2008.

EXT.P4:- TRUE COPY OF THE NOTICE NO.R2-15064/05 VOL.III DATED 17/07/09 ISSUED BY THE 2ND RESPONDENT TO AN ALLOTTEE SIMILARLY PLACED AS THE PETITIONER.

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BABU MATHEW P. JOSEPH, J.

W.P.(C) No.21693 of 2010

Dated this the 27th day of February, 2015

JUDGMENT

This writ petition has been filed for a direction to the respondents to provide adequate facilities to the petitioner and other allottees of the rooms in the market-cum-shopping complex to commence and conduct business in those rooms and for other reliefs.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. Learned counsel for the petitioner submits that for want of required facilities, the rooms could not be used by commencing business in them, even though the allottees deposited huge amounts with the first respondent Municipality. Now the possibility of opening and running business in them is quite bleak. Therefore, she prays for disposing of this writ petition with a direction to the

respondents to return the amounts deposited by her with the Municipality. Having heard the learned counsel appearing on both the sides, this Court is of the view that this writ petition can be closed with liberty to the petitioner to approach the respondents with a petition for returning the amounts, if any, deposited by her and with a direction to the respondents to consider the same.

In the result, the respondents are directed to consider the petition, if any, being submitted by the petitioner for refund of the amounts, if any, deposited by her, in accordance with law. Thus, without prejudice to the rights, if any, of the petitioner for refund of the amounts deposited with the first respondent Municipality, this writ petition is closed.

Sd/-

BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE

