

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

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

WP(C).No. 18251 of 2015 (F)

PETITIONER:

**MANOJ CHERIAN,
PUTHENPURACKAL HOUSE,
NATTAKAM POST, KOTTAYAM.**

**BY ADVS.SRI.MATHEW JOHN (K)
SRI.DOMSON J.VATTAKUZH**

RESPONDENT(S):

- 1. THE KOTTAYAM MUNICIPALITY,
KOTTAYAM, REPRESENTED BY ITS SECRETARY,
MUNICIPAL OFFICE, KOTTAYAM -686 001.**
- 2. THE SECRETARY,
THE KOTTAYAM MUNICIPALITY,
MUNICIPAL OFFICE, KOTTAYAM -686 001.**
- 3. THE MUNICIPAL COUNCIL,
THE KOTTAYAM MUNICIPALITY,
MUNICIPAL OFFICE, KOTTAYAM -686 001.**
- 4. M. SELVARAJ, S/O. MARIYAPPAN,
IMPERIAL FOOTWEAR, IX/1067,
THAYYIL BUILDINGS, K.K. ROAD,
KOTTAYAM -686 001.**

**R1 TO R3 BY SRI.PHILIP J.VETTICKATTU, SC
R4 BY ADV. SRI.A.K.HARIDAS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-06-2015 ALONG WITH WPC. 7613/2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT-P1- A TRUE COPY OF THE AGREEMENT OF LEAVE AND LICENCE DATED 07/08/2010 BETWEEN THE 2ND RESPONDENT AND GEEMON RAJ.
- EXHIBIT-P2- A TRUE COPY OF THE PLAINT FILED BY THE PETITIONER DATED 25/07/2011.
- EXHIBIT-P3- A TRUE COPY OF THE RELEVANT PORTION OF THE PASSPORT OF THE PETITIONER.
- EXHIBIT-P4- A TRUE COPY OF THE WRITTEN STATEMENT AND COUNTER CLAIM DATED 12/08/2011 BY THE 2ND RESPONDENT.
- EXHIBIT-P5- A TRUE COPY OF THE LETTER TO THE PUBLIC INFORMATION OFFICER BY THE 2ND RESPONDENT DATED 20/04/2012.
- EXHIBIT-P6- A TRUE COPY OF THE REPLY DATED 18/05/2012 BY THE INFORMATION OFFICER TO THE 2ND RESPONDENT.
- EXHIBIT-P7- A TRUE COPY OF THE LETTER BY THE 2ND RESPONDENT TO THE PUBLIC RELATIONS OFFICER DATED 12/06/2012.
- EXHIBIT-P8- A TRUE COPY OF THE REPLY BY THE INFORMATION OFFICER DATED 07/07/2013.
- EXHIBIT-P9- A TRUE COPY OF THE COMMON JUDGMENT DATED 15/11/2012 IN W.P(C) 18753 AND 25829 OF 2012.
- EXHIBIT-P10- A TRUE COPY OF THE JUGMENT DATED 21/08/2013 IN W.P(C) 10237 OF 2013.
- EXHIBIT-P11- A TRUE COPY OF THE ORDER DATED 24/10/2013 BY THE 1ST RESPONDENT.
- EXHIBIT-P12- A TRUE COPY OF THE MEMORANDUM OF APPEAL AND THE STAY PETITION DATED 03/12/2013 BY THE 4TH RESPONDENT.
- EXHIBIT-P13- A TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER DATED 22/11/2013 BEFORE THE 2ND RESPONDENT.
- EXHIBIT-P14- A TRUE COPY OF THE PETITION DATED 23/12/2013 BY THE PETITIONER AND THE RECEIPT.
- EXHIBIT-P15- A TRUE COPY OF THE LETTER DATED 20/01/2014 TO THE PUBLIC RELATIONS OFFICER, KOTTAYAM MUNICIPALITY BY THE PETITIONER.
- EXHIBIT-P16- A TRUE COPY OF THE REPLY DATED 17/02/2014 BY THE PUBLIC INFORMATION OFFICER TO THE PETITIONER.

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EXHIBIT-P17- A TRUE COPY OF THE PETITION BY THE PETITIONER TO THE PUBLIC
INFORMATION OFFICER DATED 07/04/2014.

EXHIBIT-P18- A TRUE COPY OF THE REPLY DATED 06/05/2014 BY THE PUBLIC
INFORMATION OFFICER TO THE PETITIONER.

EXHIBIT-P19- A TRUE COPY OF THE PETITION BY THE PETITIONER TO THE PUBLIC
INFORMATION OFFICER DATED 10/11/2014.

EXHIBIT-P20- A TRUE COPY OF THE HANDWRITTEN MINUTES OF THE MEETING OF
THE MUNICIPALITY HELD ON 11/12/2013.

EXHIBIT-P21- A TRUE COPY OF THE STOP MEMO DATED 12/02/2015 ISSUED BY THE
1ST RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.18251 & 7613 of 2015

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Dated this the 24th day of June, 2015

JUDGMENT

The issue in these writ petitions relates to the stop memo issued by the respondent municipality to the petitioner in W.P(C) No.7613 of 2015 who allegedly is conducting a foot wear shop in the premises owned by the petitioner in W.P(C) No.18251 of 2015.

2. The petitioner in W.P(C) No.18251 of 2015 alleges that the petitioner in W.P(C) No.7613 of 2015 is an intruder and he does not have any right to continue in the room.

3. When the matter came up for hearing, the learned counsel on both sides submitted that the petitioner in W.P(C) No.7613 of 2015 has submitted an appeal before the Council of the respondent municipality. A copy of the appeal is produced and marked as Ext.P12 in W.P(C) No.18251 of 2015.

4. Therefore, this Court is of the view that the Council of the respondent municipality can be directed to consider Ext.P12 appeal in W.P(C) No.18251 of 2015 within a time frame after affording both petitioners an opportunity of being heard.

In the result, the writ petitions are disposed of directing the Council of the respondent municipality to consider and pass orders on Ext.P12 appeal in W.P(C) No.18251 of 2015 after affording the petitioners an opportunity of being heard. The entire exercise shall be completed within a period two weeks from the date of receipt of a copy of this judgment.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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