

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 18736 of 2015 (N)

PETITIONER(S):

1. **SABU T, S/O. THANKAPPAN,
VELIYIL HOUSE, KARIKKAD P.O.
THANNEERMUKKAM, ALAPPUZHA.**
2. **ANUMOD,
S/O.GOVINDAN, KOOTUMEL HOUSE, KARIKKAD P.O.
THANNEERMUKKAM, ALAPPUZHA.**

**BY ADVS.SRI.P.V.JAYACHANDRAN
DR.K.S.NIZAR
SRI.S.SUDHEESHKAR
SRI.E.B.SHIVANANDAN
SRI.PAUL V.KOLLINAL
SRI.NIDHI BALACHANDRAN**

RESPONDENT(S):

1. **THE DIRECTOR OF PANCHAYATH
(ADDITIONAL CHARGE), PUBLIC OFFICE BUILDING
MUSEUM P.O., THIRUVANANTHAPURAM.**
2. **THANNEERMUKKAM GRAMA PANCHAYATH COMMITTEE,
OFFICE OF THE THANNEERMUKKAM GRAMA PANCHAYATH
CHERTHALA, ALAPPUZHA
REPRESENTED BY ITS PRESIDENT- 688 527.**
3. **THE SECRETARY,
THANNEERMUKKAM GRAMA PANCHAYATH, CHERTHALA
ALAPPUZHA - 688 527.**
4. **P.V. BABU,
PADIKKAPARAMBU VELIYIL, VARANADU P.O., CHERTHALA
ALAPPUZHA - 688 524.**

R1 BY GOVERNMENT PLEADER SMT.K.A.SANGEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

WP(C).No. 18736 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1 - TRUE COPY OF THE CERTIFICATE DATED 04/07/2013.**
- EXHIBIT-P2 - TRUE COPY OF THE NOTICE DATED 29/06/2013.**
- EXHIBIT-P3 - TRUE COPY OF THE RESOLUTION DATED 04/11/2013 OF
2ND RESPONDENT.**
- EXHIBIT-P4 - TRUE COPY OF THE JUDGMENT DATED 04/11/2013
IN W.P(C) 26574/2013.**
- EXHIBIT-P5 - TRUE COPY OF THE JUDGMENT DATED 12/11/2013
IN W.A 1720/2013.**
- EXHIBIT-P6 - TRUE COPY OF THE COMMUNICATION NO. D-12833/2013
DATED 07/01/2014.**
- EXHIBIT-P7 - TRUE COPY OF THE COMMUNICATION NO. D-7874/2014
DATED 21/10/2014.**
- EXHIBIT-P8 - TRUE COPY OF THE REQUEST DATED 11/11/2014.**
- EXHIBIT-P9 - TRUE COPY OF THE COMPLAINT DATED 14/02/2015.**
- EXHIBIT-P10 - TRUE COPY OF THE ACKNOWLEDGMENT CARD.**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

A.V.RAMAKRISHNA PILLAI, J

W.P.(C).No.18736 of 2015

Dated this the 23rd day of June, 2015

JUDGMENT

The petitioners seek directions from this Court to the first respondent to consider Ext.P9 complaint.

2. The 2nd respondent in its meeting held on 16.10.2014 decided not to renew the deemed license in favour of the 4th respondent to conduct toddy shop No.28 of Cherthala Range in the residential building No.VI/339/G in Ward No.13 of Thannermukam Panchayath. Accordingly, the 3rd respondent issued Ext.P7 Order. The 3rd respondent communicated Ext.P7 to the petitioners and the 4th respondent. Notwithstanding Ext.P7, the 4th respondent is still conducting the toddy shop No.28 of Cherthala Range in the residential building No.VI/339/G in Ward No.13 of Thannermukam Grama Panchayath; it is alleged. According to the petitioners, the 3rd respondent, being the subordinate officer of the 2nd respondent, is legally duty bound to implement Ext.P7 and to see that the 4th respondent is not conducting the toddy shop No.28 even after getting Ext.P8 request. Alleged by the inaction

on the part of the 3rd respondent to implement Ext.P7, the petitioners submitted Ext.P9 Complaint dated 14.02.2015. No action by the 1st respondent till date; it is alleged. Hence, the above writ petition.

3. Heard the learned counsel for the petitioner and learned Government Pleader.

4. As the learned counsel for the petitioners confined his arguments to the limited prayer for a direction to the first respondent to consider Ext.P9, this Court is of the view that the writ petition can be disposed of even without issuing notice to the respondents.

Therefore, the writ petition is disposed of directing the first respondent to consider and pass appropriate orders in Ext.P9 within a period of one month from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the first respondent at the earliest.

A.V.RAMAKRISHNA PILLAI
JUDGE

VS