

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. 18911 of 2015 (L)

PETITIONER(S):

**K. SIVADASAN, AGED 63 YEARS,
S/O.KUNHI SANKARAN, TC. 2/1874,
KULATHOOR P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.VPK.PANICKER.

RESPONDENT(S):

- 1. THE CORPORATION OF THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY, CORPORATION BUILDING,
PALAYAM, THIRUVANANTHAPURAM -695 034.**
- 2. HEALTH OFFICER,
CORPORATION OF THIRUVANANTHAPURAM,
ATTIPRA ZONAL OFFICE, ATTIPRA,
THIRUVANANTHAPURAM- 695 581.**
- 3. SHYLAJA,
D/O.VACHUMANI, MAYOORA HOUSE, TC.2/1874,
ATTIPRA VILLAGE, THIRUVANANTHAPURAM- 695 581.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: TRUE COPY OF THE RENT RECEIPT DATED 20.01.2007 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
- P2: TRUE COPY OF THE RECEIPT BEARING NO.0006416 DATED 07.10.2011.
- P3: TRUE COPY OF THE RECEIPT DATED 21.05.2012 BEARING NO.0011909.
- P4: TRUE COPY OF THE REPORT OF THE 2ND RESPONDENT DATED 21.03.2012 BEARING NO.ZAH1-1714/2012.
- P5: TRUE COPY OF THE NOTICE DATED 20.12.2014 BEARING NO.ZA5/4153/2014.
- P6: TRUE COPY OF THE RELEVANT PAGES OF THE REPORT OF THE 2ND RESPONDENT DATED 10.09.2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18911 of 2015

Dated this the 24th day of June, 2015

J U D G M E N T

The petitioner has come up before this Court alleging that the respondent corporation is not accepting licence fee and the petitioner is being threatened by the respondents to stop the business and intending to other proceedings.

2. The petitioner runs a stationary shop in Shop Room No.2/1874 of the respondent corporation. He alleges that he is doing the business from 1998 onwards after obtaining licence and remitting licence fee to the 1st respondent. He has remitted property tax for 2011-12 for the shop rooms as evidenced by Ext.P2. He further alleges that he was exempted from payment of licence fee from 2009-2010 onwards. The 3rd respondent filed a petition before the rent control court to evict the petitioner and the same was intimated to the office of the

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1st respondent. Since then, in spite of request by the petitioner to accept licence fee and arrears, the office of the 1st respondent is refusing to accept the same on one pretext or the other; it is alleged. Now, by Ext.P5 notice, the petitioner is informed that he has to stop the business and to report to the 2nd respondent, failing which he would be liable to be prosecuted under Sections 447, 532, 537 & 538 of the Kerala Municipalities Act. The petitioner further alleges that it was revealed under the Right to Information Act that the licence fee is not being accepted at the behest of the 3rd respondent. It is with this background, the petitioner has come up before this Court.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent corporation.

4. Today, when the matter was taken up, the learned Standing Counsel, on instructions, submitted that the licence granted to the petitioner expired and there is

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no application for issue of fresh licence.

5. The learned counsel for the petitioner submitted that he is ready to submit the application for licence and to remit required fee.

Therefore, the writ petition is disposed of permitting the petitioner to approach the respondent corporation with a proper application for fresh licence for continuation of the very same business in the shop room of the respondent corporation. In the event of submitting such an application, the same shall be considered by the respondent corporation within a period of one week from the date of receipt of a copy of this judgment.

Till the entire exercise is completed, the existing state of affairs shall be continued.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-