

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 19116 of 2015 (L)

PETITIONER(S):

**K.G. YAHYA RAVUTHAR, PROPRIETOR,
BABUS BAKERY, R/O.SHEEBA MANZIL,
SOUTH GATE, VAIKOM (LICENCE HOLDER
AND OCCUPANT OF VAIKOM MUNICIPALITY
BUILDING NO.VII/562).**

**BY ADVS.SRI.P.HARIDAS,
SRI.P.C.SHIJIN.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE VAIKOM MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
VAIKOM, KOTTAYAM DISTRICT-686 141.**

**R1 BY GOVT. PLEADER SMT.K.A. SANJEETHA.
R2 BY ADV. SRI.GEORGE KARITHANAM VARGHESE.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 19116 of 2015 (L)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE LICENSE ISSUED BY THE MUNICIPALITY TO
THIS PETITIONER DATED 05/06/2015.
- EXT.P2 COPY OF THE JUDGMENT IN WP(C).NO.17599/2015
DATED 15/06/2015.
- EXT.P3 COPY OF THE NOTICE DATED 15/06/2015.
- EXT.P4 COPY OF THE REPLY NOTICE BY THE PETITIONER TO THE
2ND RESPONDENT DATED 23/06/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 19116 of 2015

Dated this the 25th day of June, 2015

J U D G M E N T

The petitioner has approached this Court aggrieved by Ext.P3 notice, by which the petitioner was directed to demolish certain portions of the building, where she is conducting a business.

2. The petitioner is a licensee of a municipal shop room, wherein she is conducting a bakery, cool bar and a tea stall. Licence for the current year has been granted to the petitioner as per Ext.P1. The petitioner alleges that in the year 2009, the respondent municipality granted her permission to do some maintenance and addition of plinth area of 27 m². Now, the 2nd respondent issued Ext.P3 notice stating that the petitioner has done some illegal construction, which according to the petitioner, was issued only to wreak vengeance to her brother. The petitioner's grievance is that though she

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submitted reply to the same, without conducting a site inspection and without advertng to the approved plan, the 2nd respondent is about to finalize Ext.P3 notice as final and initiate steps to demolish the building. Hence, this writ petition.

3. The learned Standing Counsel for the respondent municipality, on instructions, submitted that the reply submitted by the petitioner to Ext.P3 is being considered and the municipality would be taking a decision soon.

Therefore, the writ petition is disposed of directing the respondent municipality to take a final decision in the matter within a period of one week. If the petitioner is aggrieved by the decision so taken, it shall be open to the petitioner to approach the concerned forum within a period of one week thereafter. Till that time, the existing state of affairs shall be continued.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-