

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C).No. 21877 of 2013 (H)

PETITIONER:-

THANKAMMA M AGED 56 YEARS
D/O.THOOBAN, POTTENNALIKKAL HOUSE, PALLIKKAL
MALAPPURAM DIST

BY ADVS.SRI.C.M.KAMMAPPU
SRI.MANSOOR.B.H.

RESPONDENTS:

1. PALLIKKAL GRAMA PANCHAYATH,
THENHIPALAM, MALAPPURAM DISTRICT,
REP. BY ITS SECRETARY-673 636
2. STATION HOUSE OFFICER,
THENHIPALAM POLICE STATION, MALAPPURAM DIST-673 636
3. SUBRAMANYAN,
S/O.CHOOLAN, PANIKARATH HOUSE, CALICUT UNIVERSITY P.O.,
THENHIPALAM, MALAPPURAM DISTRICT- 673 635.

R3 BY ADV. SRI.P.K.MOHAMED JAMEEL
R1 BY ADV. SRI.K.T.SHYAMKUMAR
R1 BY ADV. SRI.HARISH R. MENON
R1 BY ADV. SMT.K.N.ABHA
R1 BY ADV. SMT.ANU ASHOK
R BY G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

P1:-TRUE COPY OF THE COMMUNICATION DTD 3/9/2012 ISSUED TO THE
PETITIONER FROM HON'BLE CHIEF MINISTERS PUBLIC GRIEVANCE REDRESSAL
CELL.

P2:-TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE
THE FIRST RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 21877 of 2013 (H)

Dated this the 13th day of March, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the first respondent, apart from perusing the record. None appears for the 3rd respondent.

2. Briefly stated, the petitioner has filed the present writ petition questioning the inaction of respondents 1 and 2 in taking action against the 3rd respondent, who is allegedly selling liquor in his tea stall without any licence of whatever nature.

2. The respondent Grama Panchayath has filed its counter affidavit, inter alia, submitting thus:

“It is submitted that at present the shed is in a totally dilapidated condition and no business activities whatsoever is being carried out in the shed. The shed is in an abandoned condition and the allegations if any have become infructuous at present. Now there is no tea shop or any other business activity in the shed.”

3. The learned counsel for the petitioner has submitted

that in view of the express averments made in the counter affidavit filed by the first respondent, the writ petition may be closed duly recording the averments made in the counter affidavit.

4. The learned counsel for the first respondent has also submitted that at present the very building, in which a tea shop was conducted earlier, remains abandoned, apart from being in a dilapidated condition.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned counsel for the first respondent, this Court disposes of the writ petition placing on record the averments made by the first respondent Grama Panchayath that no illegal activities are being carried on in the erstwhile tea shop, against which the petitioner has complained.

sd/- DAMA SESHADRI NAIDU, JUDGE.

