

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 20463 of 2014 (G)

PETITIONERS:

1. SUGATHAN K.K., AGED 47 YEARS,
S/O.KRISHNAN, KARIPPOTTU HOUSE,
ANDATHODU P.O., PUNNAYARKULAM VILLAGE,
CHAVAKKAD TALUK, THRISSUR DISTRICT.
2. SURESH KURUNGADAN, AGED 34 YEARS,
S/O.BALAN, KUNDUKKATTILHOUSE, THILLENJERI P.O.,
THALASSERRY TALUK, KANNUR DISTRICT.
3. C.T.SADASIVAN NAIR, AGED 50 YEARS,
S/O.M.N.THANKAPPAN NAIR, CHUZHUKUNNIL HOUSE,
KURAVANKUZHI P.O., PULLAD, KOIPRAM VILLAGE,
THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

RESPONDENTS:

1. STATE OF KERALA REP. BY ITS
SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. KOZHENCHERRY GRAMA PANCHAYATH,
KOZHENCHERRY, REP. BY THE SECRETARY,
KOZHENCHERRY GRAMA PANCHAYATH,
KOZHENCHERRY P.O
PATHAAMTHITTA DISTRICT 689641

R2 BY ADVS. SRI.LIJU.V.STEPHEN
SMT.INDU SUSAN JACOB
R1 BY GOVT. PLEADER SMT.K.A.SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 20463 of 2014 (G)

PETITIONER'S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE AGREEMENT DATED 28-09-2006 ENTERED BY THE 1ST PETITIONER WITH 2ND RESPONDENT

EXHIBIT P2 TRUE COPY OF THE AGREEMENT DATED 28-09-2006 ENTERED BY THE 2ND PETITIONER WITH 2ND RESPONDENT

EXHIBIT P3 TRUE COPY OF THE LICENSE NO.C7/255/2012-13 DATED 04.07.2012 ISSUED IN FAVOUR OF THE 1ST PETITIONER

EXHIBIT P4 TRUE COPY OF THE LICENSE ISSUED TO THE 2ND RESPONDENT BEARING NO.C7 256/2012-13 DATED 04-07-2012

EXHIBIT P5 TRUE COPY OF THE RECEIPT (5 NOS) ISSUED TO THE PETITIONERS BY THE 2ND RESPONDENT FOR THE REMITTANCES OF RENT

EXHIBIT P6 TRUE COPY OF THE NOTICE DATED 30-07-2014 SERVED ON THE 1ST PETITIONER BY THE 2ND RESPONDENT

EXHIBIT P7 TRUE COPY OF THE NOTICE DATED 30-07-2014 SERVED ON THE 2ND PETITIONER BY THE 2ND RESPONDENT

EXHIBIT P8 TRUE COPY OF THE NOTICE DATED 30-07-2014 SERVED ON THE 3RD PETITIONER BY THE 2ND RESPONDENT

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.20463 of 2014 G

Dated this the 20th day of March, 2015

JUDGMENT

In the light of the judgment dated 17.12.2014 in W.P.(C) No.3254/2014 rendered by this Court, it is evident that the petitioners in the present writ petition have an identical cause, which did not, however, merit acceptance by this Court in the said judgment. Accordingly, as a matter of binding precedent, I am bound to, and accordingly, dismiss the present writ petition for the reasons stated in the judgment dated 17.12.2014.

At this juncture, the learned counsel for the petitioners has submitted that the petitioners may be given liberty to approach any other appropriate forum, such as a civil court to ventilate their grievance.

In the first place, W.P.(C)No.3254/2014, for that matter even the present writ petition has not been dismissed on the ground of alternative remedy. For any statutorily permissible reason if the petitioners have got a right to a particular legal

remedy, neither any observation to that effect from this Court nor denial thereof will not have an impact on such right, provided the petitioners have one in their favour.

In the facts and circumstances, it is entirely for the petitioners to establish their rights, if any, before any other competent forum, provided the cause survives and such approach is legally permissible.

It is abundantly made clear that the observation made presently is only in response to the submission of the learned counsel for the petitioners and cannot be taken as a judicial imprimatur on the issue of the petitioners' exploring any other remedies.

Dama Seshadri Naidu, Judge

tkv