

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

WP(C).No. 21703 of 2015 (K)

PETITIONER(S):

**VARGHESE M.GEORGE,
S/O V. GEORGE (LATE), AGED 42 YEARS,
MELETHIL HOUSE , ADOOR VILLAGE,
ADOOR P.O., PATHANAMTHITTA DISTRICT -691 523.**

BY ADV. SRI.K.K.SETHUKUMAR.

RESPONDENT(S):

- 1. THE SECRETARY, CHENGANNOOR MUNICIPALITY,
CHENGANNOOR P.O., CHENGANNOOR TALUK,
ALAPPUZHA DISTRICT -689 121.**
- 2. SUDEEP MATHEW,
S/O. MATHEW, TVS BUILDING, PERISSERY P.O.,
PULIYOOR VILLAGE, CHENGANNOOR,
ALAPPUZHA DISTRICT - 689 121.**

R1 BY ADV. SRI.S.HARIKRISHNAN, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE COPY OF THE TAX RECEIPT NO. 3062822 DATED 29/06/2015
ISSUED BY THE VILLAGE OFFICER, CHENGANNOOR.
- EXT.P2: TRUE COPY OF THE BUILDING TAX RECEIPT NO. 36677
DATED 26/02/2015 ISSUED BY THE 1ST RESPONDENT.
- EXT.P3: TRUE COPY OF THE BUILDING TAX RECEIPT NO. 36678
DATED 26/02/2015 ISSUED BY THE 1ST RESPONDENT.
- EXT.P4: TRUE COPY OF THE REPRESENTATION DATED 07/05/2015 GIVEN
TO THE 1ST RESPONDENT.
- EXT.P5: TRUE COPY OF THE RECEIPT NO. H1 4587/15 DATED 08/05/2015
ISSUED AGAINST THE RECEIPT OF EXT. P4 BY THE
1ST RESPONDENT.
- EXT.P6: TRUE COPY OF THE REPRESENTATION DATED 01/07/2015
GIVEN TO THE 1ST RESPONDENT.
- EXT.P7: TRUE COPY OF THE RECEIPT NO. H1 6746/15 DATED 02/07/2015
ISSUED AGAINST THE RECEIPT OF EXT. P4 THE
1ST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J

WPC No.21703 of 2015

Dated this the 17th day of July, 2015

JUDGMENT

Aggrieved by the non-consideration of Exts.P4 and P6 representations submitted by the petitioner, he has approached this Court.

2. The petitioner is the owner in possession and enjoyment of an extent of 05.84 Ares of landed properties and building comprised in Block No.8, Re.sy.Nos.113/6-1-1 and Re.sy.Nos.113/6-3-1 in Chengannoor Village, Chengannur Taluk by virtue of Sale Deed No.2822/2013 of Chengannur Sub Registry Office. The property has been mutated in the name of the petitioner. Thereafter he has paid the land tax as per Ext.P1. The ownership of the building is also transferred to the name of the petitioner and he has paid the building tax as per Exts.P2 and P3. The second respondent, the previous owner of the said property, who executed the said deed is running a shop

without obtaining the license from the first respondent. Against that the petitioner filed Exts.P4 and P6 representations before the first respondent. However, the first respondent has not taken any action to close the shop which is running without license. Thereafter, the petitioner approached the first respondent and requested for consideration of Exts.P4 and P6. It could not evoke any positive response. It is with this background the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned standing counsel for the first respondent.

As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the first respondent to consider Exts.P4 and P6 representations, the writ petition is disposed of directing the first respondent to consider Exts.P4 and P6, after affording the petitioner and the affected parties (the second respondent) an opportunity of being heard within a period of two weeks from the date of receipt of a copy of this judgment.

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

sd/- A.V.RAMAKRISHNA PILLAI
JUDGE

css/

true copy

P.S.TO JUDGE