

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No.24939 of 2013 (N)

PETITIONER:

**K.SUKUMARAN,AGED 52 YEARS,
S/O.GOPALAN NAIR,ANANDANILAYAM,
VRINDAPURI,M.G.NAGAR,POOKUNNOM,THRISSUR.**

BY ADV.SRI.M.PREMCHAND

RESPONDENT'S:

- 1. CORPORATION OF THRISSUR,
REP.BY ITS SECRETARY,CORPORATION OFFICE,
THRISSUR-680001.**
- 2. THE HEALTH INSPECTOR,5TH CIRCLE.
THRISSUR CORPORATION,THRISSUR-680001.**

**R1,R2 BY ADVS.SRI.K.P.VIJAYAN
SRI.V.N.HARIDAS
SRI.BABU JOSEPH KURUVATHAZHA,S.C.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.24939 of 2013 (N)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1:TRUE PHOTOCOPY OF THE NOTICE ISSUED BY THE 2ND
RESPONDENT DT.7-1-2013.**

EXHIBIT P2:TRUE PHOTOCOPY OF THE REPRESENTATION DT.08-1-2013.

**EXHIBIT P3:TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT.**

**EXHIBIT P4:TRUE COPY OF THE UNDERTAKING SUBMITTED BY THE
PETITIONER BEFORE 2ND RESPONDENT.**

**EXHIBIT P5:TRUE COPY OF THE RECEIPT DT.10-1-2013 ISSUED BY THE
RESPONDENTS TO THE PETITIONER FOR RECEIPT OF APPLICATION
FOR LICENSE.**

**EXHIBIT P6:A TRUE PHOTOCOPY OF THE LETTER NO.P H 1 23172/13
DT.20-9-2013.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.V.RAMAKRISHNA PILLAI, J.

= = = = =

W.P(C) No.24939 of 2013

= = = = =

Dated this the 29th day of June, 2015

JUDGMENT

The petitioner has come up before this Court aggrieved by the non-consideration of his application for licence.

2. The petitioner is conducting a hardware and electrical shop in room No.30/520 of respondent corporation. The said shop room was owned by his father in law. He expired on 14.1.2009 and after his death the petitioner could not renew the licence in time due to property disputes. In the meanwhile, the 2nd respondent has issued a notice to the petitioner directing him to remit necessary fees and apply for licence within 7 days from the date of receipt of the said notice. Upon receipt of Ext.P1, the petitioner approached the respondents to remit the necessary fees as described in Ext.P1. However, the respondents did not allow the petitioner to remit the fees on the ground that there are disputes with regard to the shop room.

3. The petitioner submitted an application for licence along with a representation on 10.1.2013 before the 2nd respondent

praying to allow him to remit the licence fee and also to exempt him from further proceedings. The petitioner alleges that the respondents have not considered it so far.

4. The petitioner points out that as per Section 447(6) of the Kerala Municipality Act, 1994 if the order on an application for any licence or permission are not communicated to the applicant within 30 days after the receipt of the application by the Secretary, the application shall be deemed to have been allowed for the period required in the application subject to the Act and Rules. The petitioner further alleges that while so, the 1st respondent has issued Ext.P6 directing to close down his shop room. Hence, this writ petition.

5. Today when the matter came up for hearing, the learned standing counsel for the respondent corporation inviting my attention to the counter affidavit submitted that Ext.P3 application was filed without any supporting documents like the receipt evidencing the payment of the property tax with respect to the premises, ownership certificate, death certificate of the previous licensee, consent letters from the legal heirs of the deceased, copy of his identity card etc.

Therefore, the writ petition is disposed of directing the petitioner to cure the defects pointed out by the respondent corporation by submitting the necessary documents within a period of one month from today. In the event of submitting the same, Ext.P3 shall be considered and final orders shall be passed thereafter. Till that, Ext.P6 shall be kept in abeyance.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj