

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).No. 23033 of 2015 (D)

PETITIONER :

**S.SAHASRANAMAN,
S/O. SIVANANDHAN,AGED 64 YEARS,
RESIDING AT 'LAL AND RAJESH BHAVANAM',
120, NAKSHATHRA NAGAR, CHAMPAKULAM,
KALLUMTHAZAM P.O., KILIVALLUR, KOLLAM-4.**

BY ADV. SRI.L.RAJESH NARAYAN

RESPONDENT(S):

- 1. KOLLAM CORPORATION,
REPRESENTED BY ITS SECRETARY,
KOLLAM -691 001.**
- 2. KONSTONTAYYAN @ BAIJU,
1172, THOPPIL, KOLLAM,
PRESENTLY RESIDING AT JOSMI BHAVAN,
PADAPPAKARA P.O., MULAVANA VIA, KOLLAM - 691 503.**

R1 BY SRI.M.K.CHANDRA MOHAN DAS,SC,KOLLAM MPT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 23033 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1- TRUE COPY OF THE ORDER DATED 25/03/2013 ISSUED BY THE
ADDITIONAL TAHSILDAR, KOLLAM.

EXHIBIT-P2- TRUE COPY OF THE ORDER DATED 10/11/2014 OF THE HONOURABLE
OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS IN
ORIGINAL PETITION NO. 1094/2014.

EXHIBIT-P3- TRUE COPY OF THE INTERIM ORDER DATED 25/05/2015.

EXHIBIT-P4- TRUE COPY OF THE REQUEST DATED 17/07/2015 BEFORE THE IST
RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.23033 of 2015

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Dated this the 30th day of July, 2015

JUDGMENT

The petitioner is seeking a direction to the first respondent to consider Ext.P4 request within a time frame.

2. The second respondent is an encroacher on a footpath puramboke, who had put up a permanent structure on the footpath on the side of the St. Joseph's convent road causing obstruction to the pedestrians. The petitioner alleges that previously the second respondent was evicted by the Additional Tahsildar, Kollam. Thereafter the owner of the City Hospital had again put up a permanent structure and approached the second respondent to legalise the illegal action.

3. Therefore, the petitioner filed O.P No.1094 of 2014 before the Ombudsman for Local Self Government Institutions and by Ext.P2 order, the first respondent was directed to remove the

unauthorised permanent construction in question. Without disclosing the said order and stating that he is a street vendor, the second respondent has obtained an interim order from this Court which is no longer in force; it is alleged.

4. The petitioner further alleges that the second respondent has sought protection under the Street Vendors Protection Scheme which was not applicable to him because he has put up a permanent structure over the footpath whereas the said act is applicable only to the persons who conduct sales through mobile services. According to the petitioner, the second respondent has no authority to continue the occupation of the permanent structure erected. Even though Ext.P4 request has been received by the first respondent, no action has been taken on the same. It is with this background, the petitioner has come up before this Court.

5. I have heard the learned counsel for the petitioner and the learned standing counsel for the Kollam Corporation.

As the limited prayer in this writ petition is for a direction to the first respondent to consider Ext.P4 request within a time frame, this Court is of the view that the writ petition can be disposed of even without issuing notice to the second respondent.

Therefore, the writ petition is disposed of directing the the first respondent to consider and pass appropriate orders on Ext.P4 request after affording the petitioner and affected parties an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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