

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 23104 of 2015 (K)

PETITIONER:

**SHEEBA DUROM,
W/O.LATE GODWIN DUROM,
CHULLIKKATTU HOUSE,
PATTEL MARKET ROAD,
THOPPUMPADY, COCHIN 5.**

**BY ADVS.SRI.K.V.SOHAN,
SMT.SREEJA SOHAN.K,
SRI.ROVIN RODRIGUES.**

RESPONDENTS:

- 1. CORPORATION OF COCHIN,
REP. BY ITS SECRETARY,
ERNAKULAM, PIN - 682 011.**
- 2. THE SECRETARY,
CORPORATION OF COCHIN,
ERNAKULAM, PIN - 682 011.**

***ADDL.R3 IMPEADED:**

***ADDL.R3. K.A.JOHNSON, S/O.ALEXANDER, AGED 50,
KONNETH HOUSE, KOCHUPALLI ROAD,
COCHIN - 682 005.**

***ADDL.R3 IS IMPEADED AS PER ORDER DATED 29/10/2015 IN
I.A.NO.13080/15.**

**R1 & R2 BY ADV. SRI.MILLU DANDAPANI,S.C,
ADDL. R3 BY ADV. SRI.K.C.ELDHO.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

WP(C).No. 23104 of 2015 (K):

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1: TRUE COPY OF THE DEATH CERTIFICATE OF PETITIONERS HUSBAND
GODWIN DUROM DATED 17.07.14.**

EXHIBIT P2: TRUE COPY OF THE JUDGMENT IN W.P.(C). 3747/15 DATED 25.06.15.

**EXHIBIT P3: TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER
BEFORE RESPONDENT NO.1 DATED 29.06.15.**

**EXHIBIT P4: TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER
BEFORE THE COCHIN CORPORATION COUNCIL THROUGH ITS MAYOR
DATED 12.7.15.**

RESPONDENTS' EXHIBIT:

EXT.R3(A): PHOTOGRAPH OF THE BUILDING OWNED BY THE WRIT PETITIONER.

//TRUE COPY//

P.S. TO JUDGE

Prv/2.

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 23104 of 2015

Dated this the 29th day of October, 2015

J U D G M E N T

The petitioner, who claims to be a street vendor and who runs a meat stall at Kochupally road, near Panakkal Building in Thoppumpady, has approached the Cochin Corporation by Ext.P4 to rehabilitate her shop in a suitable place and permit her to continue there, till a decision is taken by the Corporation.

2. Third party was got impleaded in the matter. The third party has filed WP(C) No.3747 of 2015 wherein this Court directed the Cochin Corporation to demolish the unauthorised construction within one month. The above writ petition was filed by the brother-in-law of the petitioner seeking a direction to the Corporation to consider the representation for an alternate place.

3. It appears that there is some dispute between the petitioner and the brother-in-law and the petitioner claims that her husband was

originally conducting business and after his death, she took over the business and brother-in-law has no right over it.

4. Petitioner refers to the judgment in W.A.No.1807 of 2015 wherein the Division Bench of this Court has given liberty to the petitioner to approach the Corporation to work out any remedy available under law. In the light of the judgment, Ext.P4 shall be considered.

5. The additional third respondent opposes the prayer and submitted that the petitioner is having sufficient financial independence and her business cannot be treated as a street vending business. She owns a multi-storied building and therefore, she filed Ext.P4 with ulterior motive to defeat the direction of the judgment in W.P(C).No.3747 of 2015.

6. The question is whether the petitioner's rehabilitation has to be considered by the Cochin Corporation.

7. This Court is of the view that appropriate decision shall be

taken by the Corporation on Ext.P4 after hearing the petitioner as well as the additional third respondent within a period of one month from the date of receipt of a copy of this judgment. Till a decision is taken, the interim order will continue.

This writ petition is disposed of as above.

A.MUHAMED MUSTAQUE,
Judge

MBS/

WP(C).NO. 23104 Of 2015

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