

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 24282 of 2015 (I)

PETITIONER(S):

**DR.K.S.SURENDRA MOHAN, AGED 69 YEARS,
S/O.SANKARAN VYDYAR, KANDAMKURATH VALAPPIL HOUSE,
ASWINI AYURVEDIC PHARMACY AND NURSING HOME,
CHULLIYODE ROAD, SULTHAN BATHERY, WAYANAD.**

**BY ADVS.SRI.C.M.NAZAR
SRI.MANSOOR.B.H.**

RESPONDENT(S):

**SULTHAN BATHERY GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, SULTHAN BATHERY P.O.,
WAYANAD DISTRICT - 673 592.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 24282 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE NOTICE DATED 17.6.15 BEARING H.4797/15 ISSUED BY THE RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE REPLY DATED 23.6.15 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE ACKNOWLEDGMENT OF APPLICATION DATED 17.7.15 ISSUED BY THE RESPONDENT 3.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.24282 of 2015

Dated this the 11th day of August, 2015.

J U D G M E N T

The petitioner is seeking a direction to the respondent panchayat to finalise the proceedings in Ext.P1 notice after considering Ext.P2 reply and after affording an opportunity, to the petitioner, of being heard.

2. The petitioner is an Ayurveda doctor and he is conducting an Ayurveda Pharmacy and Nursing home in the name and style 'Aswini Ayurvedic Pharmacy and Nursing Home' at Chethalayam and he is also having consultation facility at Sulthanbathery. According to the petitioner, the consultation rooms are situated in the building which was owned by one Chalimannil Aboobacker Haji and the same is having building No.SBVP VII bearing room Nos.460-463. The petitioner has taken the rooms on rent for 2 years and thereafter the same were renewed from time to time.

3. The grievance of the petitioner is that the respondent panchayat due to extraneous reasons is taking hasty steps to close down the nursing centre. According to the petitioner, on 17.6.2015, the respondent has issued a notice to the petitioner requiring him to obtain license for conducting Ayurveda Centre by invoking the provisions of Kerala Ayurveda Centres (Issue of license and Control) Act 2007 and S.230 of Kerala Panchayat Raj Act. The petitioner alleges that, on receipt of Ext.P1 notice, though the petitioner has submitted Ext.P2 reply to the respondent denying the allegations mentioned in Ext.P1, the respondent without considering explanation, is taking hasty steps to close down the consultation rooms. According to the petitioner, he is only providing consultation to the patients in the said rooms and not providing any treatment. He had also submitted an application seeking issue of license for conducting Ayurveda Hospital. The petitioner apprehends further

proceedings pursuant to Ext.P1 by the respondent. It is with this background, the petitioner has approached this Court with this writ petition.

4. I have heard the learned counsel for the petitioner.

5. As the learned counsel for the petitioner confined his arguments to a limited prayer for a direction to the respondent to finalise Ext.P1 notice, only after hearing him, this Court is of the view that, this writ petition can be disposed of even without issuing notice to the respondent panchayat.

Therefore, this writ petition is disposed of directing the respondent to finalise the proceedings on Ext.P1, only after considering Ext.P2 reply and after affording an opportunity to the petitioner of being heard, which shall be done within one month from the date of receipt of copy of this judgment. The further proceedings pursuant to Ext.P1 shall be kept in abeyance till final orders are

passed after considering Ext.P2 reply and hearing the petitioner.

To facilitate 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 respondent panchayat at the earliest.

Sd/-
A.V.RAMAKRISHNA PILLAI,
Judge.

ami/

//True copy//

P.A. to Judge