

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

WP(C).No. 24495 of 2015 (J)

PETITIONER(S):

**P.VISWANATHAN,
PARAYAN KUNNATH VEED, PUTHENKUNNAU P.O.,
NAMBIKKOLLY, WAYANAD DT.**

BY ADV. SRI.P.NARAYANAN

RESPONDENT(S):

- 1. NENMENI GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, NENMENI P.O.,
WAYANAD DT. - 673 592.**
- 2. THE SECRETARY,
NENMENI GRAMA PANCHAYATH,
NENMENI P.O. - 673 592.**
- 3. BYJU THOMAS,
S/O.P.THOMAS, MADATHUMPADY HOUSE, VELLACHALIL,
NENMENI P.O., WAYANAD DT. - 673 592.**

**R1 & R2 BY ADVS. SRI.M.P.ASHOK KUMAR
SMT.BINDU SREEDHAR
SMT.R.S.MANJULA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 24495 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

P1- COPY OF THE LICENSE NO.L.122/13 DATED 22.7.2013 ISSUED UNDER KERALA PANCHAYAT RAJ (ISSUE OF LICENSE TO DANGEROUS AND OFFENSIVE TRADES AND FACTORIES) RULES.

P2- COPY OF THE COMMUNICATION NO.A8-6098/14 DATED 31.7.14 ISSUED BY THE SECOND RESPONDENT.

P3-COPY OF THE EXPLANATION/REPRESENTATION SUBMITTED BY THE PETITIONER ON 6.8.14

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K.HARILAL, J.

W.P.(C) No.24495 of 2015

Dated this the 25th day of November, 2015.

JUDGMENT

The petitioner is conducting a small industrial unit for manufacturing steel furniture in the name and style, 'Royal Steel Industries' at Nambikkolly in building Nos.NPIV/719 and 721, which are taken on lease from the 3rd respondent from 2004 onwards. In response to the petitioner's application for renewal of the licence for the period of 2014-2015 the 2nd respondent directed the petitioner to produce a fresh lease deed for that period and thereafter on that ground the petitioner has submitted a representation to the 2nd respondent stating that for renewal of the licence fresh consent of the landlord is not necessary. But, the 2nd respondent has not taken any steps on the application seeking renewal of licence. Thus, the petitioner is aggrieved by the inaction on the part of the 2nd respondent in renewing the licence

issued to the petitioner for conducting the industrial unit on the ground of non production of fresh lease deed.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents 1 and 2. But, there is no representation for the 3rd respondent.

3. The learned counsel for the petitioner submits that the question, whether fresh consent of the landlord is required for renewal of licence, is decided by this Court in Swapna Jestus v. Secretary, Pulpally Grama Panchayat [2013 (1) KLT 444]. Further, the learned counsel drew my attention to paragraph 8 of the said judgment. Going by the relevant paragraph, it is seen that this Court has considered the issue and held that fresh consent or agreement is not required for renewal of existing licence. Thus, obviously, the issue involved in this writ petition stands covered by the above cited decision.

4. In the above view of the matter, the 2nd respondent is directed to pass order on Ext.P3

application, at the earliest, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

This writ petition is disposed of accordingly.

Sd/-
K. HARILAL, JUDGE

okb.