

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 24569 of 2015 (U)

PETITIONER(S):

**MRS. HEMA ANUP, AGED 55 YEARS,
W/O.ANUP, PROPRIETRESS, EDAYARACKAL RESIDENCY,
ALUMOODU JUNCTION, NEAR THAMEENS THEATRE,
NEYYATTINKARA, THIRUVANANTHAPURAM- 695 121.**

**BY SRI.C.C.THOMAS, SENIOR ADVOCATE.
ADVS. SRI.M.G.KARTHIKEYAN,
SRI.NIREESH MATHEW.**

RESPONDENT(S):

- 1. THE NEYYATTINKARA MUNICIPALITY,
NEYYATTINKARA P.O, THIRUVANANTHAPURAM DISTRICT,
REPRESENTED BY ITS SECRETARY, PIN- 695 121.**
- 2. THE SECRETARY,
NEYYATTINKARA MUNICIPALITY, NEYYATTINKARA P.O.,
THIRUVANANTHAPURAM DISTRICT- 695 121.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1. COPY OF THE STAR CLASSIFICATION CERTIFICATE DATED 04.04.2014 ISSUED BY THE MINISTRY OF TOURISM GOVERNMENT OF INDIA, CHENNAI.
- EXHIBIT P2. COPY OF THE LETTER DATED 22.05.2015 SUBMITTED TO THE 2ND RESPONDENT.
- EXHIBIT P3. COPY OF THE LETTER DATED 03.06.2015 SUBMITTED TO THE 2ND RESPONDENT.
- EXHIBIT P4. COPY OF THE NOTIFICATION SRO NO.815/2014 DATED 30.12.2014 ISSUED BY THE GOVERNMENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A. V. RAMAKRISHNA PILLAI, J.

W.P.(C). No.24569 of 2015

Dated this the 12th day of August, 2015

JUDGMENT

The petitioner has approached this Court for a direction to the respondent to issue a copy of the decision taken in the meeting of the councilors of the first respondent on 29.5.2015.

2. The petitioner constructed a three star classified hotel as evidenced by Ext.P1 certificate. The application for no objection certificate was considered by the respondent Municipality in pursuance of the direction of this Court in the judgment dated 14.10.2014 in WPC No.24047/2014 and the appeal is filed against the order before the Tribunal. After the judgment of the Division Bench of this Court in KGA Resorts case, the petitioner submitted Ext.P2 application for reconsideration for issuance of no objection certificate. The petitioner alleges that it is understood from the news published in various papers that a decision was taken by the first respondent

Municipality on 29.5.2015 to give no objection certificate to the petitioner, especially, on the ground that another beer/wine parlour is being conducted as per Ext.P4 notification introduced on 30.12.2014. The said hotel is a non-classified hotel located within 200 metres from a temple without no objection from the Municipality etc. When the said decision has come out in papers, the president of KPCC suspended the chairman of the first respondent Municipality. According to the petitioner, copy of the decision on 29.5.2015 is not furnished to the petitioner in spite of Ext.P3 request. It is with this background, the petitioner has come up before this Court.

The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent Municipality to issue a copy of the decision taken by the council on 29.5.2015 on Ext.P2 application submitted by the petitioner. In the light of the said submission, this Court is of the view that this writ petition can be disposed of even without issuing notice to the respondents.

In the result, this writ petition is disposed of directing the respondents to issue a copy of the decision taken by the first respondent Municipality on 29.5.2015 to give NOC to the petitioner for conducting FL-11 license in the hotel of the petitioner as per Ext.P3 application within a period of two weeks from the date of receipt of a copy of this judgment.

**Sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

css/

true copy

P.S.TO JUDGE