

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 25470 of 2014 (G)

PETITIONER(S):

**K.R. SURESHKUMAR,
MANAGING PARTNER, M/S.KALLADA MART,
ADATTUKARAN BUILDING, SAKTHAN NAGAR,
THRISSUR - 680001.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

- 1. THE SECRETARY, THRISSUR CORPORATION,
THRISSUR, PIN - 680001.**
- 2. THE SENIOR HEALTH OFFICER,
THRISSUR CORPORATION,
ZONAL OFFICE, KOORAKKANCHERRY,
THRISSUR PIN - 680007.**
- 3. FRANCIS THOMAS,
S/O.ADATTUKARAN THOMAS,
T.B.ROAD, SAKTHAN NAGAR,
THRISSUR - 680007.**

**R1 & 2 BY ADVS. SRI.K.P.VIJAYAN
SRI.V.N.HARIDAS**

**R3 BY ADVS. SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE PARTNERSHIP DEED RELATING TO FIRM
M/S.KALLADA MART EXECUTED ON 18.8.2014.
- EXT.P-2: TRUE COPY OF THE RENT DEED EXECUTED BY THE PETITIONER IN
FAVOUR OF THE 3RD RESPONDENT ON 8.4.1993 RELATING TO ONE
ROOM.
- EXT.P-3: TRUE COPY OF THE RECEIPT DATED 18.9.2014 ISSUED BY THE 3RD
RESPONDENT EVIDENCING PAYMENT OF RS.3350/- AS RENT FOR
DOOR NO.IX/577
- EXT.P-4: TRUE COPY OF THE RECEIPT DATED 18.9.2014 ISSUED BY THE 3RD
RESPONDENT EVIDENCING PAYMENT OF RS.2840/- AS RENT FOR
DOOR NOS.IX/584 & IX/585
- EXT.P-5: TRUE COPY OF THE RECEIPT DATED 18.9.2014 ISSUED BY THE 3RD
RESPONDENT EVIDENCING PAYMENT OF RS.1400/- AS RENT FOR
DOOR NO.IX/582.
- EXT.P-6: TRUE COPY OF THE RECEIPT DATED 18.9.2014 ISSUED BY THE 3RD
RESPONDENT EVIDENCING PAYMENT OF RS.5729/- AS RENT FOR
DOOR NO.IX/585B.
- EXT.P-7: TRUE COPY OF THE APPLICATION FILED IN FORM-I FOR THE
ISSUANCE OF LICENCE MADE BEFORE THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V.RAMAKRISHNA PILLAI, J

WPC No.25470 of 2014

Dated this the 25th day of May, 2015

JUDGMENT

The petitioner has approached this Court aggrieved by the insistence on the part of respondents 1 and 2 for producing NOC from the third respondent as pre-condition for grant of license which, according to the petitioner, is not a statutory requirement under the provisions of the Kerala Municipalities Act and Rules.

2. The petitioner is the Managing Partner of M/s Kallada Mart which is a partnership firm. The petitioner alleges that he had taken five rooms in a shopping complex by name Adattukaran Building at Koorkkancherry, Thrissur on rent from the third respondent from 8.4.1993. He has been paying monthly rent regularly to the tune of ₹13,319/- to the third respondent. While the petitioner made an application for the issuance of license under Section 447 of the Kerala Municipalities Act before respondents 1 and 2, the first

respondent had not considered Ext.P7 application insisting NOC from the third respondent to the effect that he has no objection in granting license to the petitioner. According to the petitioner, the said insistence is not warranted as provided under Section 447 of the Kerala Municipalities Act.

3. The third respondent in the counter affidavit contended that the partnership firm is not recognised to be the tenant of the premises and the petitioner only. It was also contended that the lease period in each case expired. It is also stated that different business is proposed to be started and what is sought is not a renewal, but a fresh license. It is further stated that on enquiry, it is understood that no application as Ext.P7 is pending before the Corporation and the production of an NOC is a statutory requirement for issuance of license.

4. The learned standing counsel for the respondent Municipality, on instructions, submitted that it shall be open to the petitioner to produce a fresh application complying with all statutory formalities and in the event of

such filing, the respondent Corporation shall consider the same and pass appropriate orders.

In the light of the said submission, this writ petition is disposed of directing the petitioner to submit a fresh application for license after complying with the statutory formalities within a period of one month from the date of receipt of a copy of this judgment. In the event of filing such an application, the respondent Panchayat shall consider the same and pass appropriate orders after affording the petitioner an opportunity of being heard. This shall be done within a period of one month from the date of submission of application.

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

CSS/

true copy

P.S.TO JUDGE

The word 'Panchayat' occurring in the concluding paragraph of the judgment and the word 'Municipality' occurring in the 4th paragraph of the judgment are corrected as 'Corporation', vide order dated 26.6.2015 in IA.No.8113/2015 in WPC No.25470/2014.

Sd/- Registrar (Judicial)