

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 26331 of 2015 (N)

PETITIONER:

**PANDARATHOTTATHIL RUKHIYA,
D/O.MUHAMMED KUNJI, AGED 55 YEARS,
SHAMILA MANZIL, PAPPINISSERI POST,
KANNUR DISTRICT, PIN - 670 561.**

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.**
- 2. HEALTH INSPECTOR,
COMMUNITY HEALTH CENTRE,
PAPPINISSERI POST,
KANNUR DISTRICT, PIN - 670561.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 26331 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: TRUE COPY OF THE LEASE DEED DATED 21.02.2011 EXECUTED BY THE MUNEER IN FAVOUR OF THE PETITIONER.**
- P2: TRUE COPY OF THE NOTICE DATED NIL ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**
- P3: TRUE COPY OF THE ORDER NO. 473/2015 DATED 29.07.2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J.

.....
W.P.(C) No.26331 of 2015 (N)

.....
Dated this the 10th day of September, 2015

JUDGMENT

The petitioner has approached this Court challenging Ext.P3 order issued by the 2nd respondent/Health Inspector. By Ext.P3 order, the house of the petitioner has been locked and sealed by the 2nd respondent for rendering it in unhygienic conditions posing health threat.

2.The learned counsel for the petitioner submits that the petitioner is prepared to cure all the defects and is ready to make the house and surroundings in a hygienic conditions. It appears that, relying on Ext.P2 notice, the 2nd respondent insisted the petitioner to obtain license from the panchayat to conduct lodging house.

3.Heard the learned Government Pleader as well.

4.Considering the facts and circumstances of the case, this Court is of the view that, the 2nd respondent/Health Inspector need not insist the petitioner for obtaining a licence for conducting

lodging house. If the petitioner applies for any such licence, it is open for the panchayat to issue necessary licence in an appropriate manner. Therefore, the 2nd respondent is directed to open the house of the petitioner for residential purpose, on condition that the petitioner shall provide necessary facilities to maintain the house and surroundings in a hygienic and healthy manner. The 2nd respondent is also directed to take action against the petitioner, if he is not maintaining the house and surroundings in a hygienic condition, even after the return of the house to the petitioner.

With the above directions, the writ petition is disposed of.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

AMV/11/09/