

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 26929 of 2014 (M)

PETITIONER:

KURUVILA THOMAS, AGED 60 YEARS,
S/O.THOMAS, MANJALLUR HOUSE,
THELLIYOOR P.O., VENNIKKULAM VIA,
PATHANAMTHITTA DISTRICT-689 544.

BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENTS:

1. THE EZHUMATTOOR GRAMA PANCHAYAT
REP. BY ITS SECRETARY, THELLIYUR P.O.,
VENNIKKULAM, PATHANAMTHITTA-689 544.
2. THE SECRETARY,
EZHUMATTOOR GRAMA PANCHAYAT,
THELLIYUR P.O., VENNIKKULAM,
PATHANAMTHITTA 689 544.

BY ADV. SRI.P.VINODKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 26929 of 2014 (M)

PETITIONER'S EXHIBITS:

EXHIBIT P1. TRUE COPY OF THE POSSESSION CERTIFICATE DATED 30.11.13 ISSUED BY THE VILLAGE OFFICER, THELLIYOOR.

EXHIBIT P2. TRUE COPY OF THE CONSENT TO OPERATE 16.5.13 ISSUED BY KERALA STATE POLLUTION CONTROL BOARD.

EXHIBIT P3. TRUE COPY OF THE NO OBJECTION DATED 7.4.11.

EXHIBIT P4. TRUE COPY OF THE ORDER DATED 3.12.09.

EXHIBIT P5. TRUE COPY OF THE LICENSE ISSUED FOR CONDUCTING EGGER NURSERY FOR THE PERIOD 2011-2012.

EXHIBIT P6. TRUE COPY OF THE LICENSE ISSUED FOR CONDUCTING POULTRY FARM FOR THE PERIOD 2011-2012.

EXHIBIT P7. TRUE COPY OF THE CERTIFICATE DATED 24.8.14 ISSUED BY THE VETERINARY SURGEON.

EXHIBIT P8. TRUE COPY OF THE APPLICATION FOR RENEWAL OF LICENSE IN RESPECT OF VINCY POULTRY FARM SUBMITTED BY PETITIONER.

EXHIBIT P9. TRUE COPY OF THE APPLICATION FOR RENEWAL OF LICENSE IN RESPECT OF VINCY EGGER NURSERY.

EXHIBIT P10. TRUE COPY OF THE RECEIPT EVIDENCING THE ACKNOWLEDGMENT OF APPLICATION FOR RENEWAL OF LICENSE.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.26929 of 2014 M

Dated this the 5th day of March, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner is said to have applied for renewal of licence in respect of his poultry farm and 'egger unit'. According to the petitioner, despite lapse of more than a month's time after receipt of the application, the second respondent has so far not considered the application. Aggrieved thereby, the petitioner has filed the present writ petition.

3. It appears that the very brother of the petitioner has certain objections against the Grama Panchayat

considering the petitioner's application for renewal of licence. It only meets the ends of justice if the writ petition is disposed of with a direction to the second respondent to consider the petitioner's Exhibits P8 and P9 applications for renewal of licence for poultry farm and egger unit respectively after hearing the petitioner as well as his brother, namely Sri.Varghese Thomas, before passing appropriate orders thereon.

4. Though Sri.Varghese Thomas is not a party to the proceedings, in W.P.(C)No.22918/2014 filed by the petitioner and dismissed as not pressed today as having become infructuous, the said person is the third respondent. As such, the learned counsel who represented the third respondent in the said writ petition submits that the he should also be heard, lest he should file a formal application to come on record. Under these circumstances, I deem it appropriate to direct the second respondent to hear the said person as well.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel, this Court disposes of the writ petition with a direction to the second respondent to consider Exhibits P8 and P9 applications of the petitioner in accordance with law, after affording an opportunity of hearing to the petitioner and Sri.Varghese Thomas, the brother of the petitioner, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of three weeks from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

tkv