

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 27429 of 2015 (C)

PETITIONERS:

1. DEVASSY, AGED 40, S/O. PULLOKARAN PAVU,
CHEVOOR, THRISSUR-680 027.
2. RAPPAI, AGED 42, S/O. PULLOKARAN PAVU,
CHEVOOR, THRISSUR-680 027.

BY ADV. SRI. G. SREEKUMAR (CHELUR)

RESPONDENTS:

1. THE STATE OF KERALA REP. BY
THE SECRETARY TO THE GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE AVINISSERY GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY,
AVINISSERY P.O., THRISSUR - 680 306.
3. THE AVINISSERY GRAMA PANCHAYATH COUNCIL,
REPRESENTED BY ITS PRESIDENT,
AVINISSERY P.O., THRISSUR - 680 306.
4. THE PRESIDENT, AVINISSERY GRAMA
PANCHAYATH COUNCIL, REPRESENTED BY
ITS PRESIDENT, AVINISSERY P.O.,
THRISSUR-680 306

R2-R4 BY ADV. SRI. LINDONS C. DAVIS
BY SENIOR GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : A TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE FOREST DEPARTMENT DT 6-1-2012.
- EXHIBIT P2 : A TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY THE AUTHORITIES UNDER THE KERALA VALUE ADDED TAX DT 9-1-2009
- EXHIBIT P3 : A TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY THE LOCAL AUTHORITY DT 25-9-2013.
- EXHIBIT P4 : A TRUE COPY OF THE RECEIPTS ISSUED BY THE SECOND RESPONDENT OF DIFFERENT DATES.
- EXHIBIT P5 : A TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED IN THE NAME OF THE SECOND PETITIONER AS CONCERNING THE VALUE ADDED TAX DATED 30-7-2007
- EXHIBIT P6 : A TRUE COPY OF THE LICENSE ISSUED IN THE NAME OF THE FIRST PETITIONER DT 21-5-2015.
- EXHIBIT P7 : A TRUE COPY OF THE LICENSE ISSUED IN THE NAME OF THE SECOND PETITIONER DT 21-5-2015
- EXHIBIT P8 : A TRUE COPY OF THE CERTIFICATE ISSUED BY THE DEPARTMENT OF FACTORIES AND BOILERS DT 9-2-2014.
- EXHIBIT P9 : A TRUE COPY OF THE CERTIFICATE ISSUED IN THE CASE OF THE SECOND PETITIONER T 14-3-2014.
- EXHIBIT P10 : A TRUE COPY OF THE RESPECTIVE COMMUNICATIONS SERVED ON THE PETITIONERS DT 4-7-2015.
- EXHIBIT P11 : A TRUE COPY OF THE PAPER NEWS ITEM IN MATHRUBHOOMI DAILY DT 26-7-2015.
- EXHIBIT P12 : A TRUE COPY OF THE COMPLAINT LODGED BEFORE THE VIGILANCE DEPARTMENT DT 28-7-2015.
- EXHIBIT P13 : A TRUE COPY OF THE RECEIPT ISSUED BY THE VIGILANCE DEPARTMENT DT 28-7-2015.
- EXHIBIT P14 : A TRUE COPY OF THE ORDER PASSED IN THE CASE OF THE FIRST PETITIONER DT 1-9-2015.
- EXHIBIT P15 : A TRUE COPY OF THE ORDER PASSED IN THE CASE OF THE SECOND PETITIONER DT 1-9-2015.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 27429 OF 2015

Dated this the 15th day of September, 2015

JUDGMENT

Exts.P14 and P15 orders refusing to renew the D&O licence of the petitioners in respect of the two shop rooms are impugned. Exts.P14 and P15 orders are laconic in the sense that no reasons have been stated to support the conclusion arrived at. Moreover Exts.P14 and P15 orders have been passed without affording an opportunity to the petitioners OF being heard. I quash Exts.P14 and P15 orders and direct the second respondent to reconsider the applications for renewal of D&O licence put in by the petitioners.

2. It is made clear that the second respondent is free to inspect the shop to measure the plinth area for the purpose of assessment of tax and also the machineries before deciding to grant D&O licence. The needful shall be done within a period of two weeks from the date of receipt of a copy of this judgment. The order of status quo already passed in this writ petition would continue to be in force till the exercise is completed.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**