

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

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

WP(C).No. 31497 of 2013 (J)

PETITIONER(S) :

T.P.PADMASUNDARAN,
S/O. PARANGODAN, THEKKEPURAKKAL HOUSE,
SOUTH PANAMANNA POST, OTTAPALAM.

BY ADVS.SRI.SANTHEEP ANKARATH
SRI.ARUN MATHEW VADAKKAN.

RESPONDENT(S) :

1. OTTAPALAM MUNICIPAL COUNCIL,
REPRESENTED BY ITS CHAIRMAN, OTTAPALAM,
PALAKKAD DISTRICT - 679 101.
2. OTTAPALAM MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, OTTALAPALM,
PALAKKAD DISTRICT - 679 101.

BY ADV. SRI.P.P.THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXHIBIT-P1- TRUE COPY OF THE RECEIPT DATED 27/03/2013 ISSUED BY THE 2ND RESPONDENT MUNICIPALITY.
- EXHIBIT-P2- TRUE COPY OF THE REPLY DATED 29/06/2013 AND MISTAKENLY SHOWN AS 29/05/2013 IN THE LETTER ISSUED BY THE 2ND RESPONDENT. EXHIBIT-P3-TRUE COPY OF THE SKETCH OF THE FLOOR WHEREIN THE PETITIONER AND HIS BROTHER HAS HIRED OUT SEPARATE PORTIONS.
- EXHIBIT-P4- TRUE COPY OF THE APPEAL MEMORANDUM DATED 08/07/2013 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT-P4 (A) - TRUE COPY OF THE RECEIPT DATED 12/07/2013 ISSUED BY THE RESPONDENT.
- EXHIBIT-P5- TRUE COPY OF THE LICENCE DATED 09/07/2013 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER'S BROTHER.
- EXHIBIT-P6- TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER DATED 12/11/2013.
- EXHIBIT-P7- TRUE COPY OF THE RECEIPT DATED 10/10/2013 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT-P8- TRUE COPY OF THE BILL DATED 10/10/2013 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V.RAMAKRISHNA PILLAI, J

WPC No.31497 of 2013

Dated this the 5th day of March, 2015

JUDGMENT

Aggrieved by the action taken by the Municipal authorities directing the petitioner to close down his business within 24 hours is under challenge.

2. The petitioner alleges that he has applied for issuance of Dangerous and Offensive Trade (D&O) License for a Game Centre and allied trade in a building within the local limits of the respondent Municipality. The petitioner points out that his brother who is occupying one half of the same floor also applied for the issuance of license in almost identical business and the petitioner's application was replied against by the second respondent stating that the list for D&O license prepared by the Municipality does not include the trade for which the petitioner has applied for and hence the application

cannot be considered. According to the petitioner, he started the unit under the impression that the license is not required for starting the unit. He further stated that he had submitted an appeal against the order. However, the application submitted by the brother of the petitioner for almost the same was allowed and license was issued. The grievance of the petitioner is that the appeal preferred by the petitioner was not considered till date.

When the matter came up for hearing, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent Municipality to consider and pass appropriate orders on the appeal now pending before the respondent Municipality. In the light of the said submission, this writ petition is disposed of directing the respondent Municipality to consider and pass appropriate orders on Ext.P4 appeal, after affording the petitioner an opportunity of being

heard within a period of two months form the date of receipt of a copy of this judgment. Till that exercise is completed, the existing state of affairs shall continue.

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

css/

true copy

P.S.TO JUDGE