

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WP(C).No. 29110 of 2014 (K)

PETITIONER(S):

MANU R.VIJAY,
"THEERTHAM", THATTARAMBALAM,
PELA P.O., ALAPPUZHA DISTRICT- 690 103

BY ADVS.SMT.K.P.SANTHI
SRI.R.JAYAKRISHNAN (MUTHUKULAM)

RESPONDENTS:-

-
1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT
TRIVANDRUM - 695 001.
 2. KAYAMKULAM MUNICIPALITY,
REPRESENTED BY THE SECRETARY, KAYAMKULAM - 690 502.

R1 BY GOVERNMENT PLEADER SMT. SANGEETHA K.A.
R2 BY ADV. SRI.RAYA SHENOI, SC, KAYAMKULAM MUNICIPAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 29110 of 2014 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE REGISTRATION CARD ISSUED BY THE ALL KERALA PHOTOGRAPHERS' ASSOCIATION.
- EXHIBIT P2. TRUE COPY OF THE TAX RECEIPT DATED 29.04.2014 ISSUED BY THE KAYAMKULAM MUNICIPALITY.
- EXHIBIT P3. TRUE COPY OF THE APPLICATION DATED 25.10.2014 SUBMITTED TO THE MUNICIPALITY.

RESPONDENT(S)' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SOU.

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 29110 of 2014

Dated this the 03rd day of February, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Municipality, as well as the learned Government Pleader, 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 being the proprietor of a photo studio sought the renewal of licence from the respondent Municipality. When the respondent Municipality kept the issue of renewal of licence in favour of the petitioner pending based on an objection letter given by the petitioner's mother, he has approached this Court.

3. According to the learned counsel for the petitioner, subsequent to filing of the writ petition, the petitioner and

his mother had the issue settled before the Mavelikara Taluk Legal Service Authority, through Exhibit P4 proceedings. He has further contended that in the light of the said settlement among the members of the family, there is no tenable objection for the respondent corporation to deny the renewal of licence in favour of the petitioner.

4. The learned counsel for the respondent Municipality has, however, submitted that the petitioner has not placed before this Court the entire material concerning what is said to be a settlement among the members of the family before the Legal Service Authority. According to him, it has been agreed upon among the members of the family that half of the property should be given to the petitioner's younger brother, who could have his own business in that divided portion and that the very mother is required to give a letter of withdrawal before the Municipality so that they could consider the issue.

5. In any event, the fact remains that subsequent to filing of the writ petition there is an amicable settlement in PLP No. 147/2014 before the learned Mavelikara Taluk Legal Service Authority as could be seen from Exhibit P4(a).

Accordingly, it is for the petitioner to place all the materials before the respondent Municipality to enable them to take an appropriate decision.

6. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel for the respondent Municipality, as well as the learned Government Pleader, this Court disposes of the writ petition with a direction to the petitioner to place all the relevant materials concerning what is said to be an amicable family settlement and on such supply of information by the petitioner, the respondent corporation shall take an appropriate decision regarding the renewal of licence as expeditiously as possible, at any rate, within a period of one month from the date of submission of information by the petitioner.

With the above observation, this writ petition is disposed of.

DAMA SESHADRI NAIDU
JUDGE

DMR/-