

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 34360 of 2009 (L)

PETITIONER(S):

P.R.JALAJA, KOTTAKKAL HOUSE
P.O.KUTTUR, THRISSUR DISTRICT.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENT(S):

1. STATE OF KERALA
REP. BY SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM.
2. THRISSUR MUNICIPAL CORPORATION
REP. BY ITS SECRETARY, THRISSUR.

R,R2 BY ADV. SRI.K.P.VIJAYAN
R,R1 BY SR. GOVT. PLEADER SMT.ANITHA RAVINDRAN.
R,R2 BY ADV. SRI.V.M.SYAM KUMAR
R,R2 BY ADV. SMT.KRIPA ELIZABETH MATHEWS
R,R2 BY ADV. SRI.V.N.HARIDAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-09-2015, ALONG WITH WPC. 3341/2010, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) No.34360 OF 2009

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : PHOTOCOPY OF THE RESOLUTION DATED 17.10.2003
- EXHIBIT P2 : PHOTOCOPY OF THE PROCEEDINGS OF THE MEETING HELD ON
28.5.2007
- EXHIBIT P3 : PHOTOCOPY OF THE RESOLUTION DATED 14.10.2009
- EXHIBIT P4 : PHOTOCOPY OF THE NOTICE DATED 30.10.2009

RESPONDENT(S) EXHIBITS

- EXT.R2(a) TRUE COPY OF AGREEMENT DATED 11.6.2007 EXECUTED BY THE
PETITIONER IN FAVOUR OF THE SECOND RESPONDENT.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) Nos.34360/2009 & 3341/2010

Dated this the 11th day of September, 2015

J U D G M E N T

The petitioners having executed licence agreements cannot wriggle out of their obligation to pay the licence fee. Their plea to have the licence fee scaled down has already been turned down by the Municipal Corporation. The challenge to the recovery proceedings initiated to realise the arrears of licence fee cannot therefore be countenanced.

2. I however permit the petitioners to pay the licence fee in arrears in five equal monthly instalments starting from 1.10.2015. The coercive steps shall be put on hold if the petitioners comply with the conditions in time. The coercive steps including evicting the petitioners from the premises shall be resorted to if any one of the instalments are defaulted.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.