

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

WP(C).No. 30498 of 2014 (J)

PETITIONERS:

- 1. A. SANKAR, S/O.AYYANAR,
AGED 48 YEARS, RESIDING AT 1392, LEKSHMI,
SOUTH MUNNAR, DEVIKULAM.**
- 2. ABDUL BARI, S/O.IBRAHIM,
PROVISION MERCHANT, MARKET GATE,
MUNNAR DAILY MARKET, MUNNAR.**

**BY ADVS.SRI.M.RAMASWAMY PILLAI,
SMT.PREETHY R. NAIR.**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
IDUKKI DISTRICT, IDUKKI-685 612.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
MUNNAR POLICE STATION, MUNNAR-685 612,
IDUKKI DISTRICT.**
- 4. THE SUB INSPECTOR OF POLICE,
MUNNAR POLICE STATION, MUNNAR,
IDUKKI DISTRICT-685 612.**
- 5. MUNNAR GRAMA PANCHAYATH,
MUNNAR. P.O, IDUKKI DISTRICT,
REPRESENTED BY ITS SECRETARY, PIN-685 612.**
- 6. THE SECRETARY,
MUNNAR GRAMA PANCHAYATH, MUNNAR. P.O,
IDUKKI DISTRICT, PIN-685 612.**

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- 7. TATA GLOBAL BEVERAGES LTD.,
(ERSTWHILE TATA TEA LTD.),
REPRESENTED BY ITS CHIEF MANAGER, REGIONAL OFFICE,
G.H. COMPOUND, MUNNAR. P.O, IDUKKI DISTRICT-685 612.**
- 8. N. SHAJAHAN,
S/O.NUT MOHAMMED ABBAS, PROPRIETOR, SHAJI TRADERS,
MARKET ROAD, MUNNAR DAILY MARKET, MUNNAR. P.O.,
IDUKKI DISTRICT-685 612.**
- 9. ABDUL KAREEM,
S/O.ISMAIL, RESIDING AT SHYALA MANZIL,
NEAR PWD REST HOUSE, MUNNAR. P.O.,
IDUKKI DISTRICT-685 612.**

**R1 TO R4 BY GOVT. PLEADER SRI.EGGY N.ELIAS.
R5 & R6 BY ADV. SRI.ARUN THOMAS, SC.
R8 & R9 BY ADV. SRI.LATHEESH SEBASTIAN.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE SALE DEED NO.391 OF 2011 DATED 11-02-2011 OF DEVIKULAM. S.R.O.
- EXT.P2 COPY OF LEASE DEED EXECUTED BETWEEN THE TATA TEA LIMITED AND SMT.FATHIMA KAREEM ON 01-09-2008.
- EXT.P3 COPY OF LEGAL NOTICE ON 1ST DAY OF OCTOBER,2012 TO THE SUB COLLECTOR, DEVIKULAM,THE SECRETARY MUNNAR PANCHAYATH AND THE DEPUTY SUPERINTENDENT OF POLICE.
- EXT.P4 COPY OF THE JUDGMENT DATED 10-01-2013 IN WP(C)25831/2012(D) OF THIS HONOURABLE COURT.
- EXT.P4(A) COPY OF THE INTERIM ORDER DATED 28-11-2012.
- EXT.P5 COPY OF THE ORDER DATED 19-12-2012 IN I.A.1358/2012 IN O.S.381/2012 OF THE MUNSIF, DEVIKULAM.
- EXT.P6 COPY OF COUNTER DATED 24-07-2014 IS FILED IN WP(C).NO.17974 OF 2014.
- EXT.P7 COPY OF THE STATEMENT OF THE PANCHAYATH DATED 05-08-2014.
- EXT.P8 COPY OF THE JUDGMENT DATED 20-09-2014 IN WP(C).NO. 17974/2014 OF THIS HONOURABLE COURT.
- EXT.P9 COPY OF THE NOTICE ISSUED BY THE MUNNAR GRAMA PANCHAYATH SECRETARY DATED 01-11-2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.B.SURESH KUMAR, J.

W.P.(C) No.30498 of 2014

Dated this the 18th day of November, 2014

JUDGMENT

Respondents 8 and 9 preferred W.P.(C).No.17974/2014 before this Court alleging that petitioners and others are conducting trades obstructing the access to the shops of the petitioners therein inside a licensed private market run by the seventh respondent. This Court, as per Ext.P8 judgment, disposed of the writ petition, directing the fifth respondent Panchayat to consider the representation submitted by respondents 8 and 9, after notice to the petitioners who were respondents 4 and 5 in the said writ petition. The grievance of the petitioners in this writ petition is that the direction contained in Ext.P8 judgment has not been complied with and at the same time, Ext.P9 notice is issued to displace them from the respective places where they are conducting their trades at present.

2. Heard the learned counsel for the petitioners, the learned counsel for the fifth respondent Panchayat and the learned counsel for respondents 8 and 9.

3. The learned counsel for the fifth respondent Panchayat

has pointed out that pursuant to Ext.P8 judgment, the Panchayat has earmarked separate places for the petitioners and similarly placed persons in such a way as not to cause any obstructions to respondents 8 and 9 and since they have not moved to the places earmarked for them, Ext.P9 notice was issued to them.

4. Ext.P9 notice, which is under challenge in the writ petition, does not indicate the factual backgrounds pointed out by the learned counsel for the Panchayat. The learned counsel for the petitioners conceded that if separate places are earmarked for them, they have no more grievance in the matter.

In the light of the submission made by the learned counsel for the Panchayat, I dispose of the writ petition directing the Panchayat to earmark places for the petitioners in the private market run by the seventh respondent within two weeks from today, in which event, the petitioners shall move to the places earmarked for them.

JV

Sd/-
P.B. SURESH KUMAR,
JUDGE