

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU**

**TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936**

**WP(C).No. 32298 of 2014 (J)**  
-----

**PETITIONER :**  
-----

**MRS.MEENA DAS,  
PROPRIETRIX, HAPPY INDUSTRIES,  
CIVIL STATION ROAD,  
KAKKANAD, KOCHI-682 030.**

**BY SRI.K.RAMAKUMAR,SENIOR ADVOCATE  
ADVS. SRI.S.M.PRASANTH  
SRI.C.DINESH  
SMT.ASHA BABU  
SMT.AMMU CHARLES  
SRI.G.RENJITH  
SMT.JINNU SARA GEORGE**

**RESPONDENT(S):**  
-----

- 1. STATE OF KERALA,  
REPRESENTED BY THE SECRETARY TO LOCAL SELF  
GOVERNMENT DEPARTMENT, GOVERNMENT SECRETARIT,  
THIRUVANANTHAPURAM-695 001.**
- 2. THE SECRETARY,  
THRIKKAKARA MUNICIPALITY, THRIKKAKARA,  
KAKKANAD, KOCHI-682 030.**

**\*ADDL.R3 IMPEADED**

**\*Addl.R3. SECRETARY TO GOVERNMENT,  
GROUND WATER DEPARTMENT,  
GOVERNMENT OF KERALA,  
THIRUVANANTHAPURAM - 695 001.**

**\*ADDL.R3 IS IMPEADED AS PER ORDER DATED 19.12.2014 IN IA.NO. 17334/2014**

**R1 & ADDL.R3 BY GOVERNMENT PLEADER SMT.C.K.SHERIN  
R2 BY ADV. SRI.S.SHANAVAS KHAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**sts**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1. TRUE COPY OF THE D & O LICENCE ISSUED TO THE PETITIONER BY THE THRIKKAKARA MUNICIPALITY.
- P2. TRUE COPY OF THE PROCEEDINGS OF THE KERALA KHADI AND VILLAGE INDUSTRIES.
- P3. TRUE COPY OF THE LICENCE RENEWED BY THE THRIKKAKARA MUNICIPALITY.
- P4. TRUE COPY OF THE LICENCE ISSUED BY THE FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA.
- P5. TRUE COPY OF THE NOTICE DATED 13-2-2014 ISSUED BY THE THRIKKAKARA MUNICIPALITY.
- P6. TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE THRIKKAKARA MUNICIPALITY FOR RENEWAL OF LICENCE.
- P7. TRUE COPY OF THE COMMUNICATION DATED 2-4-2014 RECEIVED BY THE PETITIONER FROM THE THRIKKAKARA MUNICIPALITY.
- P8. TRUE COPY OF THE COMMUNICATION OBTAINED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT, FROM THE THRIKKAKARA MUNICIPALITY.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

**DAMA SESHADRI NAIDU, J.**

-----  
**W.P.(c) No. 32298 of 2014**  
-----

Dated this the 06<sup>th</sup> day of January, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, as well as the learned Standing Counsel for the respondent, 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 is the proprietrix of a small scale industry engaged in the business of selling purified drinking water for what is said to be residential purpose. The contention of the petitioner is that though she has complied with all statutory requirements and has been carrying on the business strictly within the confines of law, on 13.02.2014 the respondent municipality issued a 'stop memo', which in turn was challenged by the petitioner in W.P. (C) No. 5472/2014.

3. The record reveals that pending the disposal of W.P. (C) No. 5472/2014, owing to the expiry of the licence, when the petitioner applied for renewal, the respondent municipality communicated through Exhibit P7 dated 02.04.2014 that since

the writ petition has been pending before the High Court, it cannot renew the licence. Aggrieved thereby, the petitioner has approached this Court.

4. The learned counsel for the petitioner has contended that the writ petition was heard long back and judgment is yet to be pronounced. He has further submitted that merely because a particular writ petition is pending, unless there are any orders in force interdicting the power of the authorities in issuing or renewing licence, things cannot be kept on hold, much to the prejudice of the petitioner whose business is said to have been suffering owing to lack of licence.

5. The learned Standing Counsel for the second respondent has submitted that not only because of the pendency of the writ petition, but also owing to the fact that the petitioner intends to supply the purified drinking water for industrial purpose, the respondent has reservations about renewing the licence.

6. At any rate, the learned Senior Counsel for the petitioner has strenuously opposed the submission of the learned Standing Counsel that the petitioner has the intention of supplying the purified drinking water for commercial

purpose. He has further submitted that the authorities are always at liberty to take appropriate action including that of cancellation of licence, if at any point of time they find that the petitioner has been abusing the licence.

7. Be that as it may, there is no gainsaying the fact that mere pendency of the writ petition shall not come in the way of the authorities exercising their statutory power unless the court has interdicted thus.

In the facts and circumstances, this Court disposes of the writ petition with a direction to the second respondent to consider the case of the petitioner for renewal of licence subject to the result of W.P. (C) No.5472/2014, taking into account all other statutory aspects, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

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

**DAMA SESHADRI NAIDU**  
**JUDGE**

DMR/-