

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 33740 of 2014 (N)

PETITIONER(S) :

1. **KSHEMAN C.A.,
SECRETARY, VYAPARI SANGAM, THRISSUR
DISTRICT MERCHANT'S ASSOCIATION, PALLAKKAL ANGADI
THRISSUR-680001.**
2. **VYAPARI SANGHAM,
THRISSUR, REPRESENTED BY ITS SECRETARY
DISTRICT MERCHANTS' ASSOCIATION, PALLAKKAL ANGADI
THRISSUR-680001.**

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENT(S) :

1. **STATE OF KERALA
REPRESENTED BY ITS SECRETARY
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695001.**
2. **THRISSUR CORPORATION,
REPRESENTED BY ITS SECRETARY, THRISSUR-680001.**
3. **THRISSUR CORPORATION COUNCIL,
REPRESENTED BY ITS CHAIRPERSON/MAYOR
THRISSUR CORPORATION OFFICE, THRISSUR-680001.**

**R1 BY GOVT. PLEADER SMT. SHERIN C.K.
R2 & R3 BY ADV. SRI.KODOTH SREEDHARAN, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1. TRUE COPY OF THE BYE LAW OF THE SANGHAM.
- EXT. P1(a) TRUE COPY OF THE LIST OF THE MEMBERS OF THE 2ND PETITIONER ASSOCIATION/SANGHAM.
- EXT. P2. TRUE COPY OF THE TRADE LICENSE OF THE CERTAIN MEMBERS OF 2ND PETITIONER.
- EXT. P3. TRUE COPY OF THE JUDGMENT DATED 24-10-1992 IN O.S. NO. 1824/1990 OF THE MUNSIF'S COURT, THRISSUR.
- EXT. P4. TRUE COPY OF THE JUDGMENT DATED 19-10-2000 IN .A.S. NO. 22/1993 OF THE ADDITIONAL DISTRICT JUDGE, THRISSUR.
- EXT. P5. TRUE COPY OF THE REPRESENTATION MADE BY THE 2ND PETITIONER DATED 31-1-2001.
- EXT. P6. TRUE COPY OF THE JUDGMENT DATED 24-11-2003 IN OP NO. 13088 OF 2001 (G) OF THIS HON'BLE HIGH COURT.
- EXT. P7. TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 26-5-2004.
- EXT. P8. TRUE COPY OF THE JUDGMENT DATED 25-7-2008 IN WPC NO. 22734 OF 2005 (F) OF THIS HON'BLE COURT.
- EXT. P9. TRUE COPY OF THE REPRESENTATION DATED 21-10-2014 SUBMITTED BY THE 1ST PETITIONER TO THE 1ST RESPONDENT.
- EXT. P9(a). TRUE COPY OF THE COMMUNICATION DATED 5-11-14 ISSUED TO THE PETITIONER BY PUBLIC INFORMATION OFFICER OF THE 2ND RESPONDENT.
- EXT. P10. TRUE COPY OF THE RESOLUTION DATED 15-5-13 OF THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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DAMA SESHADRI NAIDU, J.

W.P.(c) No. 33740 of 2014

Dated this the 07th day of January, 2015

JUDGMENT

Heard the learned counsel for the petitioners and the learned Government Pleader, as well as the learned Standing Counsel for the respondents, 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 first petitioner is the Secretary of the second petitioner association, which is said to have 49 members in its fold, being an association of vegetable vendors. Though initially, after obtaining licence, the petitioners were carrying on their business in the erstwhile "Jai Hind Market", close to Municipal Bus Stand, Thrissur, in course of time the said market was shifted. Despite repeated requests by the members of the petitioner association, they have not been provided any alternative shops in the newly shifted market.

3. Aggrieved, when the petitioners moved the Civil Court, through Exhibit P3 judgment, it rejected their claim, but with an observation that their case may be considered at

the time of allotment of shops or bunks in the new market. At a subsequent point of time, as the record reveals, the petitioners further seem to have approached this Court and obtained Exhibit P6 judgment, wherein a direction is given to the respondent authorities to consider the claim of the petitioners in two months. The record further reveals that pursuant to Exhibit P6 judgment, the second respondent, having considered the claim of the petitioners, rejected it through Exhibit P7, which further led to the petitioners' filing W.P. (C) No. 22734/2005. While disposing of the said writ petition, through Exhibit P8 judgment, this Court has given liberty to the petitioners to approach the Government. Accordingly, the petitioners are said to have filed Exhibit P9 representation before the first respondent. Complaining of delay in its disposal, the petitioners filed the present writ petition.

3. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioners and the learned Government Pleader, as well as the learned Standing Counsel for the respondents, without expressing any opinion on the merits of the matter, this Court

disposes of the present writ petition with a direction to the first respondent to consider Exhibit P9 representation of the petitioners in accordance with law, after affording an opportunity of hearing to the first petitioner, and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of three months 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/-