

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 34793 of 2015 (Y)

PETITIONER(S):

**BIJU MANI,
PROPRIETOR, M/S.B.M. TRADERS,
BUILDING NO.KP III/216-D,
KOORACHUNDU P.O., KOZHIKODE.**

**BY ADVS.SRI.N.MURALEEDHARAN NAIR,
SRI.V.K.SHAMUSUDHEEN,
SMT.K.HYMAVATHY.**

RESPONDENT(S):

- 1. THE DEPUTY DIRECTOR (LICENSING),
LICENSING DIVISION, RUBBER BOARD,
KOCHI-682 003.**
- 2. THE DEPUTY DIRECTOR (LICENSING),
LICENSING DIVISION, OFFICE OF THE RUBBER BOARD,
KOTTAYAM-686 002.**

BY ADV. SRI.V.ABRAHAM MARKOS, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 : TRUE COPY OF THE LICENCE ISSUED BY 1ST RESPONDENT
DATED 18-04-2012.**
- P2 : TRUE COPY OF THE APPLICATION IN FORM NO.B DATED 12-03-2015
ALONG WITH DEMAND DRAFT.**
- P3 : TRUE COPY OF THE REPLY FILED BY THE PETITIONER BEFORE
THE 1ST RESPONDENT DATED 20-10-2015.**
- P4 : TRUE COPY OF THE NOTICE ISSUED BY 2ND RESPONDENT
DATED 28-10-2015.**
- P5 : TRUE COPY OF THE REPLY FILED BY THE PETITIONER BEFORE
2ND RESPONDENT DATED 07-11-2015.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 34793 of 2015

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Dated this the 18th day of November, 2015

J U D G M E N T

The petitioner approached this Court alleging inaction on the part of the respondent in renewal/ granting licence as per Ext.P2 application under the Rubber Acts and Rules.

2. The learned standing counsel for the Rubber Board would submit that the petitioner's application is defective and the petitioner has been communicated as per the intimation dated 13.4.15 to cure the defect. The learned counsel submits that if the petitioner cures the defect in the application, the same will be considered in accordance with law.

3. The learned counsel for the petitioner submits that they have not been served with intimation dated 13.4.15. The learned standing counsel for the Rubber Board has thus handed over a copy of this intimation to the learned counsel for the petitioner. Therefore this Court is of the view that the petitioner

shall comply with the intimation issued by the Rubber Board dated 13.4.15. Thereafter on curing the defect, application shall be considered in accordance with law without any delay.

4. It appears that certain violations have been noted by the officials of the Rubber Board on inspection. As per Ext.P4 the petitioner has been directed to compound the offence committed by him and the petitioner gave Ext.P5 reply. This Court is of the view that the Rubber Board also shall take a decision in this regard after adverting to Ext.P5 reply.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE