IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

THURSDAY, THE 8TH DAY OF AUGUST 2024 / 17TH SRAVANA, 1946

WP(C) NO. 28309 OF 2024

PETITIONER:

A.T. SEBASTIAN, AGED 61 YEARS,
S/O. THOMAS,APPAPARAMBIL HOUSE, ULIYANNOOR P.O.,ALUVA,
ERNAKULAM, PIN – 683108.

BY ADVS. M/S.GEORGE SEBASTIAN & B.S.SURESH KUMAR

RESPONDENTS:

1 THE ALUVA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY. ALUVA, KERALA, PIN - 683101

2 THE MUNICIPAL COUNCIL OF ALUVA MUNICIPALITY ,
REP. BY ITS CHAIRPERSON, ALUVA MUNICIPALITY, ALUVA,
ERNAKULAM, PIN - 683101

3 THE SECRETARY,
ALUVA MUNICIPALITY, ALUVA, ERNAKULAM,, PIN - 683101

4 THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
PARAVOOR TALUK, FIRST FLOOR, POLICE STATION RD, ABOVE SUB REGISTRAR OFFICE, NORTH PARAVUR., PIN - 683513

5 THE VILLAGE OFFICER,
KADUNGALLOOR VILLAGE OFFICE, ALUVA MUPPAMUPPATHADAM. P.O.,, PIN - 683110

6 THE KERALA BUS TRANSPORT ASSOCIATION,
REGISTRATION NO. TCR 10/2016, DOOR NO. 426(15A), RAJEEV

GANDHI BUS TERMINAL, ALUVA, ERNAKULAM DISTRICT, REP. BY ITS SECRETARY GAFOOR P.A, PIN - 683101

7 THE PRIVATE BUS OPERATORS ASSOCIATION, 1ST FLOOR MUNICIPAL CLOCK TOWER BUILDING, N.H.BYPASS, ALUVA , REP.BY THE SECRETARY, P.B. SATHAR, S/O. BEERANKUTTY, PULLAMPURATH, VADAKODE P.O., KANGARAPPADI, PIN - 682021

SMT.AMMINIKUTTY K.K., SR.GP,
SRI.K.T.THOMAS, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

MOHAMMED NIAS C. P. , J.

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W. P. (C) No. 28309 of 2024

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Dated this the 8th day of August, 2024

JUDGMENT

The petitioner submits that he had preferred Ext.P16 appeal against Ext.P15 order passed by the Secretary of the Municipality rejecting the request for petitioner for waiver of amount and against the demand of the Municipality. The petitioner submits that Ext.P16 appeal is pending consideration. Accordingly, there will be a direction to the 2nd respondent Council to hear Ext.P16 appeal, with notice to the petitioner and other affected parties if any, and to take a decision within 6 weeks from today. The operation of Exts.P17 and P18 will be deferred till the passing of orders in the appeal, as directed above.

The writ petition is disposed of.

Sd/-

MOHAMMED NIAS C. P., JUDGE

MMG

APPENDIX OF WP(C).NO.28309/2024

PETITIONER'S EXHIBITS:

EXHIBIT P1	**A TRUE COPY OF THE TENDER CONDITIONS BEARING NO. R5-133/23 DATED 16.02.2023 ISSUED BY THE 1ST RESPONDENT**
EXHIBIT P2	**A TRUE COPY OF THE ORDER DATED 07.03.2023 BEARING NO. R5-133/23 ISSUED BY THE 1ST RESPONDENT IN RESPECT OF COLLECTION OF USERS’ FEE**
EXHIBIT P3	**A TRUE COPY OF THE ORDER DATED 07.03.2023 BEARING NO. R5-133/23 ISSUED BY THE 1ST RESPONDENT IN RESPECT OF ANNOUNCEMENT FEES**
EXHIBIT P4	**A TRUE COPY OF THE COMMUNICATION DATED 06.06.2023 FROM THE 1ST RESPONDENT**
EXHIBIT P5	**A TRUE COPY OF THE REPRESENTATION DATED 06.06.2023 FILED BY THE PETITIONER BEFORE THE SECRETARY OF THE 1ST RESPONDENT MUNICIPALITY ALONG WITH ITS RECEIPT**
EXHIBIT P6	**A TRUE COPY OF THE JUDGMENT DATED 01.11.2023 IN WP(C) 19546/2023**
EXHIBIT P7	**A TRUE COPY OF THE INTERIM ORDER DATED 01.11.2023 IN WP(C) 17543/2023**
EXHIBIT P8	**A TRUE COPY OF THE REPRESENTATION DATED 07.12.2023 SUBMITTED BY THE 3RD RESPONDENT TO THE SHO ALUVA EAST POLICE STATION**
EXHIBIT P9	**A TRUE COPY OF THE ORDER DATED 08.12.2023 PASSED BY THE SECRETARY OF THE 1ST RESPONDENT MUNICIPALITY**
EXHIBIT P10	**A TRUE COPY OF THE NOTICE DATED 18.12.2023 ISSUED BY THE SECRETARY OF THE 1ST RESPONDENT MUNICIPALITY**

EXHIBIT P11	A TRUE COPY OF THE LETTER DATED 19.12.2023 ISSUED BY THE SECRETARY OF THE 1ST RESPONDENT MUNICIPALITY TO THE SHO ALUVA EAST POLICE STATION
EXHIBIT P12	A TRUE COPY OF THE INTERIM ORDER DATED 27.02.2024 IN WP(C) 351/2024
EXHIBIT P13	A TRUE COPY OF THE REPRESENTATION DATED 15.03.2024 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT
EXHIBIT P14	A TRUE COPY OF THE JUDGMENT DATED 18.03.2024 IN WP(C) 10919/2024
EXHIBIT P15	A TRUE COPY OF THE ORDER BEARING NO. R5-8961 DATED 17.05.2024 PASSED BY THE 3RD RESPONDENT
EXHIBIT P16	A TRUE COPY OF THE STATUTORY APPEAL DATED 05.07.2024 FILED BY THE PETITIONER ALONG WITH ITS RECEIPT
EXHIBIT P17	A TRUE COPY OF THE NOTICE DATED 05.07.2024 ISSUED BY THE 4TH RESPONDENT UNDER SECTION 7 OF THE KERALA REVENUE RECOVERY ACT
EXHIBIT P18	A TRUE COPY OF THE NOTICE DATED 05.07.2024 ISSUED BY THE 4TH RESPONDENT UNDER SECTION 34 OF THE KERALA REVENUE RECOVERY ACT