IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

WP(C) NO. 17462 OF 2018

PETITIONERS:

1 MOHAMMED BASHEER,
S/O.MYDEENKUNJU, THAYYIL HOUSE, KEERIKAD,THODUPUZHA,
PIN 685585.

2 D.R.NANDAKUMAR,
S/O RAGHAVAN PILLAI, THEKKANATU HOUSE,KANJIRAMATTOM KARA, THODUPUZHA EAST P.O.,PIN 685 585.

BY ADV. SRI. LAL K.JOSEPH

RESPONDENTS:

1 THE THODUPUZHA MUNICIPALITY,
MUNICIPAL OFFICE, THODUPUZHA PIN 688584,REPRESENTED BY ITS SECRETARY.

2 THE SECRETARY,
THODUPUZHA MUNICIPALITY, MUNICIPAL OFFICE, THODUPUZHA, PIN 688584.

SHRI.UNNIKRISHNAN V.ALAPPATT, SC, THODUPUZHA MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

MOHAMMED NIAS C. P. , J.

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W. P. (C) No. 17462 of 2018

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Dated this the 11th day of April, 2025

JUDGMENT

The writ petition is filed challenging Ext.P9 notice which directed the petitioners' to close down their textile establishment. An interim order was passed by this Court on 1.6.2018 staying further action on the condition that the petitioners pay a penalty of Rs.50,000/- each to the respondent Municipality. It is submitted that the same was paid by the petitioners. It is also submitted by both sides that they have been issued with licences thereafter and are still running the business. This is recorded.

In view of the above, no further orders are required to be passed in this writ petition as the petitioners are still continuing with the running of the business on the strength of the licences granted by the Municipality. The writ petition is accordingly closed without prejudice to the right of the petitioners to approach this Court again in case there is a fresh cause of action. Needless to say, no further action be taken against the petitioners on the basis of the orders impugned in the writ petition.

Sd/-

MOHAMMED NIAS C. P., JUDGE

MMG

APPENDIX OF WP(C).NO.17462/2018

PETITIONERS' EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE LATEST LEASE DEED DATED 14/02/2018.

EXHIBIT-P2: TRUE COPY OF THE APPLICATION DATED 13/03/2018 JOINTLY SUBMITTED BY THE PETITIONER AND NANDAKUMAR.

EXHIBIT-P3: TRUE COPY OF THE NOTICE BEARING NO.T3-4666/18 DATED 19/03/2018.

EXHIBIT-P4: TRUE COPY OF THE OBJECTION DATED 23/03/2018.

EXHIBIT-P5: TRUE COPY OF THE ACKNOWLEDGEMENT EVIDENCING THE APPLICATION SUBMITTED BY THE PETITIONER AND ALSO THE PAYMENT OF RS 750/- TOWARDS THE LICENCE FEES.

EXHIBIT-P6: TRUE COPY OF THE NOTICE BEARING NO.T3-4666/18 DATED 27/03/2018.

EXHIBIT-P7: TRUE COPY OF THE JUDGMENT DATED 28.03.2018 IN WP(C) 11087/2018.

EXHIBIT-P8: TRUE COPY OF THE NOTICE ISSUED TO THE 2ND PETITIONER DATED 27.03.2018.

EXHIBIT-P9: TRUE COPY OF THE NOTICE BEARING NO.T3-4666/18 25.05.2018.

EXHIBIT-P10: TRUE COPY OF THE APPLICATION DATED 22/03/2018.

EXHIBIT-P11: TRUE COPY OF THE COMMUNICATION DATED 20/04/2018.

EXHIBIT-P12: TRUE COPY OF THE APPLICATION DATED 05/05/2018 SUBMITTED BY THE FIRST PETITIONER UNDER RIGHT TO INFORMATION ACT BEFORE THE 3RD RESPONDENT.

EXHIBIT-P13: TRUE COPY OF THE APPLICATION DATED 8/05/2018 SUBMITTED BEFORE THE 3RD RESPONDENT.