

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 30TH DAY OF JUNE 2022 / 9TH ASHADHA, 1944

WP(C) NO. 21283 OF 2022

PETITIONER:

C.CHANDRASEKHARAN NAIR

AGED 59 YEARS

S/O. P.CHELLAPPAN NAIR, ARUN NIVAS, THALAYAMKULAM,
THOLICODE P.O., PUNALUR, KOLLAM DISTRICT-691 333

BY ADV K.T.THOMAS (KANNAMPALLIL)

RESPONDENTS:

- 1 THE MUNICIPAL COUNCIL, PUNALUR MUNICIPALITY
PUNALUR MUNICIPALITY, PUNALUR P.O.,
KOLLAM DISTRICT-691 307,. REPRESENTED BY CHAIRMAN.
- 2 PUNALUR MUNICIPALITY,
PUNALUR P.O., KOLLAM DISTRICT-691 307,
REPRESENTED BY ITS SECRETARY.
- 3 THE SECRETARY,
PUNALUR MUNICIPALITY, PUNALUR P.O.,
KOLLAM DISTRICT-691 307
BY ADV SHRI.MANOJ RAMASWAMY, SC, PUNALUR MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of June, 2022

The petitioner, who has been assigned Shoproom No.RHB GF 1 and RHB GF 2 in the Nehru Memorial Rest House Building, Valakode, Punalur Municipality, is before this Court seeking to set aside Exts.P2 and P3 and to direct the 1st respondent-Municipal Council to consider and pass orders on Ext.P4 statutory Appeal submitted by the petitioner within a time frame as fixed by this Court.

2. The petitioner has taken on rent a shoproom from the 2nd respondent-Punalur Municipality. According to the petitioner, the petitioner is running a business of sale of rubber in the said shoproom by name 'Lekshmi Enterprises'. The rent and other payments due to the Municipality is being paid by the petitioner. Now, the 3rd respondent-Secretary has issued Ext.P3 order directing the petitioner to pay the arrears of rent and to

surrender the shoproom.

3. Aggrieved by Ext.P3 order of the 3rd respondent, the petitioner has filed Ext.P4 statutory Appeal before the Municipal Council. The petitioner states that the petitioner has good and sufficient grounds to get the order passed by the Secretary to the Municipality set aside. Pending disposal of the Appeal, if the petitioner is evicted from the building, the petitioner will be put to untold hardship and loss.

4. Standing Counsel entered appearance on behalf of respondents 1 to 3. It is submitted that against Ext.P3 order passed by the Secretary to the Municipality, the petitioner has preferred Ext.P4 Appeal petition. Ext.P4 Appeal petition being of a statutory nature, it can be considered in accordance with law, submits the Standing Counsel.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel representing the respondents.

6. In view of the fact that the petitioner, aggrieved by Ext.P3 proceedings, has preferred Ext.P4 Appeal before the

Municipal Council invoking the provisions of the Kerala Municipalities Act, it will be only just and proper that the 1st respondent decide the Appeal in accordance with law, within a time frame.

In the circumstances, the writ petition is disposed of directing the 1st respondent-Municipal Council to consider and take appropriate decision on Ext.P4 in accordance with law, within a period of three months. Till a decision is taken on Ext.P4, coercive proceedings, if any, against the petitioner shall be kept in abeyance.

Sd/-
N.NAGARESH
JUDGE

spk

APPENDIX OF WP (C) 21283/2022

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE LICENSE DATED 06.09.2021 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
Exhibit P2	TRUE COPY OF THE ORDER VIDE NO. H2- 9959/22 DATED 20.05.2022 ISSUED BY THE 3RD RESPONDENT
Exhibit P3	TRUE COPY OF THE ORDER VIDE NO. H2- 9959/22 DATED 08.06.2022 PASSED BY THE 3RD RESPONDENT
Exhibit P4	TRUE COPY OF THE APPEAL ALONG WITH THE STAY PETITION DATED 16.06.2022 PREFERRED BY THE PETITIONER BEFORE THE 1ST RESPONDENT
Exhibit P5	TRUE COPY OF THE RECEIPT VIDE NO.11717 DATED 17.06.2022

RESPONDENT'S/S EXHIBITS : NIL