

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 31<sup>ST</sup> DAY OF JULY 2023 / 9TH SRAVANA, 1945

WP(C) NO. 12235 OF 2023

PETITIONER:

PRASAD V.C.,  
AGED 68 YEARS,  
S/O. G. CHANDRASEKHARAN NAIR,  
VAYALARIKATHUVEEDU,  
VALLICODE P.O.,  
PATHANAMTHITTA, PIN - 689648

BY ADV N.MAHESH

RESPONDENTS:

- 1 ELOOR MUNICIPALITY,  
REPRESENTED BY ITS SECRETARY,  
OFFICE OF THE ELOOR MUNICIPALITY,  
UDYOGAMANDAL,  
ERNAKULAM DISTRICT, PIN - 683501
- 2 THE SECRETARY,  
ELOOR MUNICIPALITY,  
UDYOGAMANDAL,  
ERNAKULAM DISTRICT, PIN - 683501

BY ADVS.  
SRI. K.S.ARUN KUMAR, STANDING COUNSEL  
SMT. DEVISREE R., GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 31.07.2023, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

## **J U D G M E N T**

***Dated this the 31<sup>st</sup> day of July, 2023***

The petitioner is aggrieved by the fact that his trade licence is not being renewed on the ground that the unauthorised constructions have been made by the landlord. For the fault of the landlord, the petitioner cannot be penalised. The petitioner's application for renewal of trade licence is liable to be allowed, contends the petitioner.

2. Standing Counsel entered appearance and resisted the writ petition. The Standing Counsel submitted that apart from the illegality in the construction, the petitioner has not submitted requisite documents for grant of renewal. The petitioner was required to produce identity card, receipts in proof that the entire professional tax dues are paid and a licence from the Pollution Control Board. As the petitioner

has not produced these documents and since the building is unauthorised, the application was not processed.

3. I have heard the learned counsel for the petitioner and the learned Standing Counsel representing the respondents.

4. It is submitted at the Bar that the legality of the construction made by the landlord is pending consideration before this Court in W.P.(C) No.11864 of 2023. As the matter is pending before this Court, the petitioner being a tenant, it would be unjust to deny renewal of trade licence to the petitioner on that ground.

5. The counsel for the petitioner would submit that the petitioner has already submitted the Consent from the Pollution Control Board and the petitioner is willing to pay the arrears of professional tax and produce copy of identity card.

In the circumstances, the writ petition is disposed of directing that if the petitioner produces copy of identity card, receipt in proof of payment of professional tax and the Consent obtained from the Pollution Control Board to the

W.P.(C) No.12235 of 2023

: 4 :

2<sup>nd</sup> respondent-Secretary, the 2<sup>nd</sup> respondent-Secretary shall pass orders on the application for renewal of trade licence submitted by the petitioner within a period of two weeks from the date of production of the documents.

**Sd/-  
N. NAGARESH  
JUDGE**

sss

APPENDIX OF WP(C) 12235/2023

PETITIONER'S EXHIBITS

EXHIBIT P1	TRUE COPY OF THE RELEVANT PAGE OF THE LICENCE FOR THE YEAR 2022-2023 IN RESPECT OF THE WORKSHOP (DOOR NO. XIX/53-A) DATED 4.8.2022.
EXHIBIT P2	TRUE COPY OF THE RECEIPT OF FEE DATED 4.2.2022.
EXHIBIT P3	TRUE COPY OF THE RECEIPT OF PROPERTY TAX IN RESPECT OF THE BUILDING IN QUESTION PAID BY THE LANDLORD OF THE PETITIONER TO THE 1ST RESPONDENT DATED 22.11.2022.
EXHIBIT P4	TRUE COPY OF THE PHOTOGRAPH SHOWING EXTENDED AREA OF THE WORKSHOP.
EXHIBIT P5	TRUE COPY OF THE ABOVE APPLICATION FOR RENEWAL OF EXHIBIT P1 LICENCE PREFERRED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 31.3.2023.