

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 9TH DAY OF JUNE 2022 / 19TH JYAISHTA, 1944

WP(C) NO. 6023 OF 2022

PETITIONER:

SAVITHRI.P.,
AGED 64 YEARS
W/O.BALAKRISHNAN NAIR, RESIDING AT
NEDUMKANDIPARAMBU HOUSE,
KUNNAMANGALAM P.O., KARANTHOOR VILLAGE,
KOZHIKODE TALUK, KOZHIKODE DISTRICT.
BY ADVS.
T.MADHU
C.R.SARADAMANI
SHAHID AZEEZ
RENJISH S. MENON

RESPONDENTS:

- 1 THE KUNNAMANGALAM GRAMA PANCHAYAT,
KUNNAMANGALAM P.O., KOZHIKODE DISTRICT-673 571,
REPRESENTED BY ITS SECRETARY.
- 2 THE SECRETARY,
THE KUNNAMANGALAM GRAMA PANCHAYAT,
KUNNAMANGALAM P.O.,
KOZHIKODE DISTRICT-673 571.
BY ADVS.
K.P.SUSMITHA
VINOD SINGH CHERIYAN(K/000197/1983)
T.M.KHALID(K/000047/2013)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 09.06.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

W.P.(C).No.6023 of 2022

Dated this the 09th day of June, 2022

JUDGMENT

This writ petition is filed with following prayers:

- i. Issue a writ of certiorari and quash Exhibit P6 demand notice dated 1/9/2021 issued by the second respondent, so as to secure the ends of justice.
- ii. Issue a writ of mandamus or any other appropriate writ, direction or order directing the respondents 1 and 2 to consider and take a decision on Exhibits P3 and P4 representations submitted by the petitioner before the second respondent as expeditiously as possible and within a time frame to be filed by this Honourable Court, so as to secure the ends of justice.
- iii. Such other relief's as this Hon'ble Court may deem fit and proper in the circumstances of the case.

(SIC)

2. The main prayer in the writ petition is against Ext.P6 demand. The petitioner was given the right to collect user's fee from the stage carriage operators passing through the Kunnamangalam Bus Stand managed by the 1st respondent for the financial year 2021-2022 for a consideration of Rs.3,40,000/-. As per Ext.P6, the petitioner is directed to pay an amount of Rs.2,02,300/-, which is the balance of Rs.3,40,000/-. The petitioner submitted Exts.P3 and P4 representations. The request of the petitioner in Ext.P4 is to reduce the fee because of the Covid related issue. Now the Panchayat filed a counter affidavit producing therewith Ext.R2(a) decision of the Panchayat in which the request of the petitioner for extension of the period is rejected. Hence this writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the Panchayat.

4. The learned counsel for the petitioner reiterated his contentions in the writ petition. The learned counsel submitted that as per Ext.R2(a), the request for extension of period alone is considered and the request for remission of the balance amount to be paid is not considered. The learned

Standing Counsel, on the other hand, submitted that there is no provision for remission of the amount.

5. This Court perused the request made in Ext.P4 by the petitioner. The main request is to reduce the licence fee proportionately. The point raised in Ext.P4 is not considered by the Panchayat even as per Et.R2(a). Therefore, according to me, this matter is to be considered by the Panchayat. For facilitating the Panchayat to pass fresh orders, the petitioner can be directed to file a fresh representation.

Therefore, this writ petition is disposed of in the following manner:

1. The petitioner is free to file a fresh representation narrating her grievance, within two weeks from the date of receipt of a copy of this judgment.
2. Once such a representation is received, the 1st respondent will consider the same and pass appropriate orders in it, after giving an opportunity of hearing to the petitioner, as expeditiously as possible, at any rate, within one month from the date of receipt of the

representation.

3. Till final orders are passed, all further proceedings based on Ext.P6 shall be kept in abeyance.

Sd/-

P.V.KUNHIKRISHNAN
JUDGE

JV

APPENDIX OF WP (C) 6023/2022

PETITIONER EXHIBITS

- Exhibit P1 THE TRUE COPY OF THE RECEIPT ISSUED BY THE FIRST RESPONDENT DATED 02.03.2021.
- Exhibit P2 THE TRUE COPY OF THE RECEIPT DATED 03.04.2021 ISSUED BY THE FIRST RESPONDENT.
- Exhibit P3 THE TRUE COPY OF THE REPRESENTATION DATED 01.02.2022 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.
- Exhibit P3 A THE TRUE COPY OF THE RECEIPT DATED 01.02.2022 ISSUED BY THE SECOND RESPONDENT.
- Exhibit P4 THE TRUE COPY OF THE REPRESENTATION DATED 29.04.2021 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.
- Exhibit P5 THE TRUE COPY OF THE GOVERNMENT ORDER DATED 27.07.2021 ISSUED BY THE LOCAL SELF GOVERNMENT DEPARTMENT OF THE GOVERNMENT OF KERALA.
- Exhibit P6 THE TRUE COPY OF THE DEMAND NOTICE DATED 01.09.2021 ISSUED BY THE SECOND RESPONDENT.

RESPONDENT EXHIBITS

- Exhibit R2(a) COPY OF THE RESOLUTION NO.7/2 DATED 16-03-2022 OF KUNNAMANGALAM GRAMA PANCHAYAT