

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 11451 of 2015 (F)

PETITIONER : -

J.DEEPA,
T.C. 12/800,
BARTON HILL,
KUNNUKUZHY,
THIRUVANANTHAPURAM.

BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH

RESPONDENTS : -

1. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM – 695 033.
2. THE CORPORATION OF THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY,
PALAYAM, THIRUVANANTHAPURAM – 695 001.
3. THE SECRETARY,
CORPORATION OF THIRUVANANTHAPURAM,
PALAYAM, THIRUVANANTHAPURAM – 695 001.
4. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, (ROADS DIVISION),
THIRUVANANTHAPURAM – 695 001.
5. THE HEALTH OFFICER,
GRADE I, CORPORATION OF THIRUVANANTHAPURAM,
NANDANCODE CIRCLE, THIRUVANANTHAPURAM – 695 001.

BY Sr. GOVERNMENT PLEADER SMT. K.A. SANJEETHA
BY SRI.P.K.MANOJKUMAR,SC,TVPM CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 : COPY OF THE NO OBJECTION CERTIFICATE DATED 9.1.2008 ISSUED BY THE 4th RESPONDENT.

EXHIBIT P2 : COPY OF THE NO OBJECTION CERTIFICATE DATED 16.2.2012 ISSUED BY THE 4th RESPONDENT.

EXHIBIT P3 : COPY OF THE NOTICE DATED 11.3.2014 ISSUED BY THE 5th RESPONDENT TO THE PETITIONER.

EXHIBIT P3(a) : THE ENGLISH TRANSLATION OF EXHIBIT P3.

EXHIBIT P4 : COPY OF THE NO OBJECTION CERTIFICATE DATED 16.2.2015 ISSUED BY THE 4th RESPONDENT.

EXHIBIT P4(a) : THE ENGLISH TRANSLATION OF EXHIBIT P4.

EXHIBIT P5 : COPY OF THE RECEIPT DATED 10.3.2015 ISSUED BY THE 2nd RESPONDENT TO THE PETITIONER.

EXHIBIT P5(a) : THE ENGLISH TRANSLATION OF EXHIBIT P5.

EXHIBIT P6 : COPY OF THE DECISION OF THE CORPORATION COUNCIL DATED 26.4.2008.

EXHIBIT P6(a) : THE ENGLISH TRANSLATION OF EXHIBIT P6.

RESPONDENTS' EXHIBITS : NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 11451 of 2015

Dated this the 07th day of April, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, as well as the learned Standing Counsel for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, a differently abled person, has been operating a mobile ice cream unit, with the prior consent of the District Collector, near Museum compound at Thiruvananthapuram. He is said to have been running the said unit since 2008, having all the requisite statutory licences.

3. In course of time, after the expiry of trade licence issued for the years 2014-2015, when the petitioner applied for renewal thereof, it was not considered by the respondent Corporation on the ground that he had not obtained NOC from the fourth respondent. Aggrieved thereby, the

petitioner has approached this Court.

4. The learned Standing Counsel for the respondent Corporation has submitted that subsequent to the rejection by the respondent Corporation, the petitioner did obtain the NOC and submit it to the Corporation. According to him, the respondent Corporation is making all efforts to consider petitioner's application for renewal of licence at the earliest.

5. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel for the respondent Corporation, without expressing any opinion on the merits of the matter, this Court disposes of the present writ petition with a direction to the respondent Corporation to consider the application of the petitioner in accordance with law, and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

With the above observations, this writ petition is disposed of.

DAMA SESHADRI NAIDU
JUDGE

DMR/-