

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

FRIDAY, THE 08<sup>TH</sup> DAY OF MAY, 2020/18TH VAISAKHA, 1942

W.P(C) NO.9689 OF 2020

PETITIONER:

CHINNA MASTHAN, AGED 48,  
S/O. KHADER SAHEB,  
PALAGIRI HOUSE,  
P.J. ANTONY GROUND ROAD,  
PACHALAM, KOCHI - 682 012

BY ADV. SRI.K.R VINOD

RESPONDENTS:

- 1.THE CORPORATION OF KOCHI,  
REP. BY ITS SECRETARY,  
PARK AVENUE ROAD,  
P.B.NO: 1016, KOCHI-682 011.
2. THE SECRETARY,  
CORPORATION OF KOCHI,  
PARK AVENUE ROAD,  
P.B.NO: 1016, KOCHI-682 011.  
KOCHI-682008.

R1-2 BY

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON  
08.05.2020, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

## **JUDGMENT**

**Dated this the 08th day of May 2020**

The petitioner states that on account of the proceedings having been initiated under section 406(1) & (2) of the Kerala Municipality Act, 1994, the petitioner's application for renewal of license to conduct the business of sale of dry fruits in building bearing door No. 73/1789 A, B & C of the 1<sup>st</sup> respondent Corporation for the period from 2020 – 2021 is not being accepted. It is the case of the petitioner that the final order under Section 406(3) of the Kerala Municipality Act has not been issued so far. This Court has already directed the Corporation to pass final orders under Section 406(3) after affording opportunity of being heard to the petitioner through judgment dated 04.03.2020 in WP(c) No.6486/2020.

2. The petitioner states that he had preferred Ext.P6 application for renewal of license for the period 2020-2021 on 17.03.2020. The fact that proceedings have been initiated under Section 406 and that a provisional order had been issued under

Section 406(2) of the Kerala Municipality Act, 1994, in respect of the premises for which license has been applied for, cannot be a ground to deny consideration of an application for renewal of trade license. I notice from Ext.P3 that the allegation of unauthorized construction is not with regard to the entire building, but only in respect of an area of 9.82 m<sup>2</sup>.

This writ petition is therefore disposed of, directing the respondents to consider Ext.P6 application for renewal of trade license for the period of 2020-2021 and pass orders thereon as expeditiously as possible and at any rate, within a period of one month from the date of receipt of a copy of this judgment. It is further directed that until final orders are passed on Ext.P6, the respondents shall not cause any hindrance to the conduct of business by the petitioner, on the ground that he does not possess a license under the provisions of the Kerala Municipality Act.

**GOPINATH . P**

**JUDGE**

Nsd

**APPENDIX**

**PETITIONERS EXTS:**

- EXHIBIT P1** TRUE COPY OF DOCUMENT NO 7101/2007 OF  
S.R.O AYYANTHOLE DATED 12.1.07
- EXHIBIT P2** TRUE COPY OF THE LAND TAX RECEIPT DATED  
26.7.2019 ISSUED BY THE 2ND RESPONDENT
- EXHIBIT P3** TRUE COPY OF THE LETTER DATED  
20.12.2019 OF THE AGRICULTURAL OFFICER,  
AYYANTHOLE
- EXHIBIT P3 (A)** TRUE COPY OF THE RELEVANT PAGES OF THE  
DATA BANK
- EXHIBIT P4** TRUE COPY OF THE ORDER NO D1-14936/13  
DATED 6.9.2013 OF THE REVENUE  
DIVISIONAL OFFICER, THRISSUR
- EXHIBIT P5** TRUE COPY OF THE APPLICATION PREFERRED  
ON 15.2.2020 BY THE PETITIONER BEFORE  
THE 1ST RESPONDENT