

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

FRIDAY, THE 15<sup>TH</sup> DAY OF MAY,2020/25TH VAISAKHA, 1942

W.P(C) NO. 9914 OF 2020

PETITIONER:

ANSAR M.A., AGED 46 YEARS, S/O. ABDULLAH,  
MALIACKAL (H), CHALIKKAVATTOM KARA,  
EDAPPILLY SOUTH VILLAGE, VENNALA P.O.,  
ERNAKULAM- 682 029.

BY ADV. SRI.MOHAMED SABAH

RESPONDENTS:

1. THE KOCHI MUNICIPAL CORPORATION  
REPRESENTED BY ITS SECRETARY,  
PARK AVENUE ROAD, KOCHI - 682011.
2. THE SECRETARY, THE KOCHI MUNICIPAL CORPORATION,  
PARK AVENUE ROAD, KOCHI - 682011.
3. HEALTH OFFICER, THE KOCHI MUNICIPAL CORPORATION,  
PARK AVENUE ROAD, KOCHI - 682011.

BY STANDING COUNSEL SRI.K.ANAND, KOCHI CORPORATION

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON  
15.05.2020 ALONG WITH WP(C)NO.9984 OF 2020, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

FRIDAY,THE 15<sup>TH</sup> DAY OF MAY,2020/25<sup>TH</sup> VAISAKHA, 1942

W.P(C) NO.9984 OF 2020

PETITIONER:

SHAMEER P.S.,S/O.SHABA, AGED 35 YEARS,  
MADAPPATT HOUSE, EROOR, ERNAKULAM DISTRICT.

BY ADV.K.MOHANAKANNAN

RESPONDENTS:-

1. CORPORATION OF KOCHI, PARK AVENUE ROAD,  
MARINE DRIVE, KOCHI, KERALA - 682 011  
REPRESENTED BY ITS SECRETARY
2. THE SECRETARY, KOCHI CORPORATION,  
PARK AVENUE ROAD,MARINE DRIVE,  
KOCHI - 682 011.
3. THE HEALTH OFFICER, CORPORATION OF KOCHI,  
PARK AVENUE ROAD, MARINE DRIVE,  
KOCHI, KERALA - 682 011

R1 TO R3 BY STANDING COUNSEL SRI.K.ANAND

THIS WRIT PETITION HAVING COME UP FOR ADMISSION  
ON 15.05.2020 ALONG WITH WP(C)NO.9914 OF 2020, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING :

## **ORDER**

Admit.

2. Sri. K. Anand, the Standing Counsel for Kochi Corporation accepts notice for R1 to R3.

3. Considering the averments in both the writ petitions, I am of the opinion that the petitioners can be permitted to undertake fruit and vegetable vending in the premises in question. The petitioners shall ensure that such activities do not cause any nuisance or obstruction to traffic in any manner whatsoever. The learned Standing Counsel for the Kochi Corporation would submit that the petitioner in W.P (C) 9914/2020 was found conducting an illegal meat shop in the premises in question under the guise of conducting a Cold Storage and that animals were even brought there for slaughtering. Though the Learned Counsel for the petitioner in W.P (C) 9914/2020 would urge for an order permitting the petitioner therein to conduct the Cold Storage also, in view of the submission of the Learned Standing Counsel for the Corporation, I am not inclined to allow the same. The counsel for the petitioner in W.P (C) 9984 of 2020 would submit that his client does not intend to do any business other than in fruits and vegetables in his shop. This is recorded. The Secretary, Kochi Municipal Corporation and the Health Officer, Kochi Municipal Corporation shall ensure that only vegetables and fruits are sold

in both the premises in question and if any violation of this condition is found they shall take immediate action, notwithstanding this order.

4. It is submitted on behalf of the petitioners in both the cases that the shops in question have been sealed by the officials of the Kochi Corporation at 11 a.m. today. I direct the respondents to hand over the premises back to the petitioners to enable them to conduct their business as permitted above.

5. In view of the submission that there were complaints raised against the functioning of the shops in question by the Thaikkattu Devaswom, the petitioners are directed to implead the Thaikkattu Devaswom as additional respondent in these writ petitions. Post after ten days. In the meanwhile, the petitioners shall file impleading petition to implead the Thaikkattu Devaswom.

**GOPINATH P.  
JUDGE**

ncd

**APPENDIX OF WP (C) NO. 9914/2020**

**PETITIONERS EXHIBITS:**

- EXHIBIT P1:** TRUE COPY OF THE LICENSE DATED  
13.05.2019 BEARING NO. C-14/17148/2019-  
2020 ISSUED TO THE PETITIONER BY THE  
RESPONDENT NO. 1.
- EXHIBIT P2 :** TRUE COPY OF THE HEARING NOTICE DATED  
05.03.2020 AND BEARING NO. MOH-  
13/004584/20 ISSUED BY THE RESPONDENT  
NO.3 TO THE PETITIONER.
- EXHIBIT P3 :** TRUE COPY OF THE JUDGEMENT DATED  
26.02.2020 PASSED BY THIS HONOURABLE  
COURT IN W.P. ( C ) NO. 3414/2020.
- EXHIBIT P4 :** TRUE COPY OF THE APPLICATION DATED  
28.02.2020 SENT BY THE PETITIONER TO  
THE RESPONDENT NO.2 VIA REGISTERED  
POST.
- EXHIBIT P5 :** TRUE COPY OF THE A/D CARD EVIDENCING  
THE RECEIPT OF EXHIBIT P4 APPLICATION  
BY RESPONDENT NO. 2.
- EXHIBIT P6 :** TRUE COPY OF THE NOTICE, DATED  
30.04.2020 AND BEARING NO.  
13/004584/20, SENT BY THE THIRD  
RESPONDENT TO THE PETITIONER DEMANDING  
HIM TO CLOSE DOWN HIS SAID SHOP

APPENDIX OF WP(C)NO.9984/2020

PETITIONER'S EXHIBITS :

- EXHIBIT.P1:- TRUE COPY OF THE RECEIPT ISSUED BY THE CORPORATION DATED 9-3-2020
- EXHIBIT.P2: TRUE COPY OF THE LICENCE ISSUED BY THE CORPORATION OF KOCHI DATED 15-10-2018
- EXHIBIT.P3: TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT CORPORATION DATED 28-2-2019
- EXHIBIT.P4: TRUE COPY OF THE JUDGMENT DATED 26-2-2020 IN WRIT PETITION©3414/2020
- EXHIBIT.P5: TRUE COPY OF THE NOTICE NOTICE BEARING NO.MOH13/004584/20 DATED 30-4-2020, ISSUED BY THE CORPORATION OF KOCHI
- EXHIBIT.P6: TRUE COPY OF THE GOVERNMENT ORDER  
GO(RT)NO.820/2020/LSGD DATED 4-5-2020

RESPONDENTS' EXHIBITS : NIL

TRUE COPY

PA TO JUDGE