

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HON'BLE THE ACTING CHIEF JUSTICE MR. THOTTATHIL
B. RADHAKRISHNAN

&

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

TUESDAY, THE 28TH DAY OF FEBRUARY 2017/9TH PHALGUNA, 1938

WA.No. 395 of 2017 ()

AGAINST THE ORDER IN WP(C) 5938/2017 DATED 22.2.2017

APPELLANT(S)/PETITIONERS IN WP(C) No. 5938/2017 :-

1. KERALA VYAPARI VYAVASAYI EKOPANA SAMITHY,
ERNAKULAM DISTRICT, VYAPARA BHAVAN, PUTHIYA ROAD,
THAMMANAM P.O., KOCHI - 682 032, REPRESENTED BY ITS
GENERAL SECRETARY P.C. JACOB, AGED 66 YEARS,
S/O. CHACKO, PINAKKATTU HOUSE.
2. REMOLD ANTONY, AGED 57 YEARS, S/O. C.V. ANTONY,
ROSE FASHION, CHURCH ROAD, PERUMPILLY, NJARACKAL P.O.,
ERNAKULAM DISTRICT, PIN - 682 505.

BY ADVS. SRI. M. P. RAMNATH
SRI. P. RAJESH (KOTTAKKAL)
SEI. M. VARGHESE VARGHESE
SRI. K. J. SEBASTIAN
SMT. S. SANDHYA
SRI. SHALU VARGHESE
SMT. B. J. MEYFLOWER
SRI. T. ABUL HASSAN
SRI. BEPIN PAUL

RESPONDENT(S)/RESPONDENTS IN WP(C) No. 5938/2017 :-

1. STATE OF KERALA REPRESENTED BY
THE SECRETARY, MINISTRY OF LOCAL SELF GOVERNMENT
INSTITUTIONS, SECRETARIAT, TRIVANDRUM - 695 001.
2. THE DIRECTOR OF PANCHAYATH,
PUBLIC OFFICE BUILDING, MUSEUM P.O.,
TRIVANDRUM - 695 013.

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3. THE DEPUTY DIRECTOR OF PANCHAYATH,
ERNAKULAM, CIVIL STATION,
KAKKANAD, KOCHI - 682 031.
4. THE DIRECTOR OF URBAN AFFAIRS,
SWARAJ BHAVAN, NANTHANCODE,
KAWDIAR P.O., TRIVANDRUM - 695 013.
5. THE REGIONAL DIRECTOR OF URBAN AFFAIRS,
HAVING OFFICE AT SHANMUGHAM ROAD,
ERNAKULAM, KOCHI - 682 031.
6. THE NJARAKKAL GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
PANCHAYATH OFFICE, NARAKKAL P.O., PIN - 682 505.

BY SR.GOVERNMENT PLEADER SRI.V.TEKCHAND

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 28-02-2017,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**THOTTATHIL B. RADHAKRISHNAN, Ag. C.J.
&
ANU SIVARAMAN, J.**

W.A. No.395 of 2017

Dated this the 28th day of February, 2017

J U D G M E N T

Thottathil B. Radhakrishnan, Ag. C.J.

1. Hearing the learned counsel for the appellants and the learned Senior Government Pleader, we do not see that there is any ground to interfere with the order issued by the learned single Judge. However, we see that the said order is confined to the benefit of the 2nd petitioner alone while the appellants pray that the said order may be made applicable to all members of the 1st petitioner, which is stated to be a registered Society.
2. We do not think that an outright approach could be made as requested. Though the matter does not relate to the realm of taxation, it relates to regulatory measures in the zone of licensing through Local Self Government Institutions. All that we would say is that respondents 1 to 5 will ensure that no applications for renewal of licence are refused to be received merely for the reason that it is not accompanied by sanitation

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certificate. This direction being issued here does not take away the statutory and executive responsibility of the officers concerned to act in conformity with the requirement of inspection as directed through Ext.P4 Circular. The appropriate authority among respondents 1 to 5 will ensure that the directions contained herein are brought to the notice of the officers concerned, in all Local Self Government Institutions.

This writ appeal is ordered accordingly without prejudice to the proceedings before the learned single Judge.

**Sd/-
THOTTATHIL B. RADHAKRISHNAN
ACTING CHIEF JUSTICE**

**Sd/-
ANU SIVARAMAN
JUDGE**

//TRUE COPY//

P.A. TO JUDGE

Jvt/28.2.2017