
(2021) 08 KL CK 0127
In the High Court Of Kerala
Case No : Writ Appeal No. 1067 Of 2021

Pandalam Municipality

APPELLANT

Vs

M/s. C.S.Alexander

RESPONDENT

Date of Decision : 17-08-2021

Acts Referred:

Citation : (2021) 08 KL CK 0127

Hon'ble Judges : Shaji P.Chaly, J;A. Badharudeen, J

Bench : Division Bench

Advocate : K.R.Radhakrishnan Nair, Sashank Devan, M.Gopikrishnan Nambiar

Final Decision : Dismissed

Judgement

1. This writ appeal is filed challenging the interim order passed by a learned Single Judge in W.P.(C).No.16942 of 2021 dated 13.08.2021, whereby, an interim stay of further proceedings pursuant to Exts.P4 and P6 communications of the Municipality, was granted. In effect, the retail outlet in question run by the writ petitioner was permitted to function and in the meanwhile, the petitioner was granted the liberty to cure the defects as pointed out in Ext.P4 order of the Municipality. On the defects being cured, the 2nd respondent was directed to consider the application submitted by the writ petitioner seeking trade licence and pass orders thereon.
2. We have heard learned Counsel for the appellants Sri. K.R.Radhakrishnan Nair, learned Counsel for the writ petitioner Sri. Sashank Devan and learned Standing Counsel apperaing for the Oil Company, Sri. M.Gopikrishnan Nambiar, and perused the pleadings and materials on record.
3. In our considered opinion, the interim order passed by the learned Single Judge was taking into account, the prima facie opinion formed for the

purpose of consideration of the applications submitted by the petitioner seeking interim relief. The appellant has always a course open to file a counter and bring up the matter before the learned Single Judge along with all attendant documents so as to adjudicate the issues raised in the writ petition. We do not find any illegality or other jurisdictional error in the matter of exercise of discretion by the learned Single Judge justifying us to interfere in the interim order passed. It is also clear from the interim order that, while the stay granted by the Court is in force, the Municipality is given the liberty to consider the applications submitted by the writ petitioner after curing the defects. Taking into account all the above aspects, we are not inclined to grant any relief as is sought for in the writ appeal. Therefore, the writ appeal is dismissed, leaving open the liberty of the appellants to take up all the contentions before the learned Single Judge.