
(2013) 01 KL CK 0175
In the High Court Of Kerala
Case No : W.A. 2011 of 2012

Prabhulla K.

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 03-01-2013

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 2013 Ker 98

Hon'ble Judges : Manjula Chellur, C.J;K. Vinod Chandran, J

Bench : Division Bench

Advocate : V. Rajendran, Perumbavpoor and George Varghese, Kizhakkambalam, for the Appellant; P.I. Davis, Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

K. Vinod Chandran, J.—The appellant/petitioner was the holder of a stamp vendor's licence issued by the third respondent. While continuing so, she applied for leave, which is said to have been granted for one year with effect from 1.11.1999. Even before expiry of the one year, she submitted an application dated 27.1.2000 before the third respondent for renewal of her licence. The appellant's contention is that nothing has been done on the application for renewal of licence. The appellant, hence, was before the learned single Judge with the Writ Petition, the judgment in which is impugned herein. The learned single Judge found that admittedly, even going by Exhibit P9 representation of the appellant, the application submitted by her was rejected as per item No. 9 referred to in the representation. The appellant, having not chosen to challenge the said order, the learned single Judge refused to exercise the discretionary power conferred under Article 226 of the Constitution of India.

2. Before us, the learned counsel for the appellant would strenuously urge that the learned single Judge, having clearly found that the application was submitted on 22.4.2000, admittedly before the last date prescribed, i.e., 31.12.2000, ought

to have directed consideration of the application. It was also contended that the order referred to as item No. 9 in Exhibit P9 representation was obviously a mistake and there was no such order. We are unable to take into consideration the submission made by the learned counsel for the appellant that the reference to an order based on her application was a mistake, since that was a clear admission, which was not controverted before the learned single Judge.

3. With respect to the procedure followed by the appellant for renewal of licence, it is seen from the statement on behalf of the fourth respondent that by G.O(MS)98/2000/ T-D dated 21.6.2000, the District Treasury Officers were authorised to renew the vendor licences on payment of annual fee of Rs. 500/-. The procedure to be followed for renewing the licence was detailed in Government letter dated 28.8.2000. The date prescribed for submitting such application for renewal was 30.6.2000, which was later extended to 31.8.2000, 31.10.2000 and finally to 31.12.2000. Apparently, the application of the appellant was on 22.4.2000 as has been found by the learned single Judge. The contention of learned counsel for the appellant is that when the application was filed on 22.4.2000, there was no stipulation for remittance of licence fee and such a stipulation came in June, 2000. However, after various extensions, though finally the last date was prescribed as 31.12.2000, the appellant neither choose to make a fresh application nor at least deposit the renewal fee within the last date prescribed. The appellant admittedly made the deposit of renewal fee only on 7.2.2001, after the prescribed date for filing renewal application expired. The appellant, having not filed proper application with required renewal fee, we are unable to find any ground to interfere with the judgment of the learned single Judge. However, it is made clear that the dismissal of the Writ Petition or the Writ Appeal shall not affect the appellant's right to make a fresh application for stamp vendor's licence and if made, the same shall be considered in accordance with law.