
(2021) 09 KL CK 0121

In the High Court Of Kerala

Case No : Writ Petition (C) No. 20768 Of 2010

Rajivpaul Chungath

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 09-09-2021

Acts Referred:

Kerala Municipality Act 1994 — Section 447

Citation : (2021) 09 KL CK 0121

Hon'ble Judges : Murali Purushothaman, J

Bench : Single Bench

Advocate : G.Sreekumar, K.Ravi Pariyarath, K.M.Faisal

Final Decision : Disposed Of

Judgement

Murali Purushothaman, J

This writ petition is filed challenging the imposition of license fee in respect of the business conducted by the petitioner. The second respondent-Corporation has filed a statement wherein it is stated that the rate of license fee for the financial year 2010-2011 is fixed in accordance with the new license fee schedule of the resolution of the Municipal Council and with the approval of the Government.

Paragraphs 3 and 5 of the statement read thus:-

"3.It is submitted that the Kollam corporation has notified the new license schedule by publication on 15.05.2009 as per No:H2-25877/05 in the Kerala Gazette provided under section 447 of the Kerala Municipality Act 1994. This respondents fixed the license fee for the gold business conducted by the petitioner in the building No:XVI/1356/1129 with respect to the serial No.83 of the Gazetted license fee schedule for the financial year 2010-2011.

5.This respondents were levying license fee till the financial year 2009-2011 in accordance with the old license fee schedule, prior to the new license fee

schedule gazette notification No. H2-25877/05 on 15.05.2009. The rate of license fee for the financial year 2010-2011 is fixed in accordance with the new license fee schedule. It is also pertinent to note that, the license fee schedule is fixed as per the resolution of the Municipal Council and with the approval of the government there and then....."

In view of the above, if the petitioner is aggrieved by the license fee fixed as per the aforesaid proceedings, he is at liberty to challenge the same. Without prejudice to the right of the petitioner to challenge the proceedings referred to in paragraphs 3 and 5 of the statement, this writ petition is closed.