
(1960) 01 KL CK 0043
In the High Court Of Kerala
Case No : O.P. No. 442 of 1959

Sahadeva Panicker

APPELLANT

Vs

Ottasekharamangalam Panchayat and Others

RESPONDENT

Date of Decision : 20-01-1960

Acts Referred:

Travancore-Cochin Panchayat Act, 1950 — Section 71

Citation : (1960) KLJ 365

Hon'ble Judges : S. Velu Pillai, J

Bench : Single Bench

Advocate : G. Viswanatha Iyer, for the Appellant; S. Narayanan Potti, N.K. Varkey, for 1st Respondent and Government Pleader, for 2nd Respondent, for the Respondent

Final Decision : Allowed

Judgement

S. Velu Pillai, J.—The petitioner was the licensee of a private market situated within the limits of the Ottasekharamangalam Panchayat, the first respondent in this petition. He applied u/s 71 of the Travancore-Cochin Panchayats Act, 1950, for the renewal of his licence for the financial year 1959-60, and his application was disallowed by the first respondent by a resolution, Ext. P. 1 dated February 16, 1959, and the order passed thereon on the same date, Ext. P. 2. The ground for disallowing the application was that the Panchayat was conducting a public market very near the petitioner's private market. The order and the resolution of the Panchayat are in plain violation of Section 71(3)(a) of the above Act, under which, the Panchayat is bound to grant the renewal applied for, "subject to such conditions as the Panchayat may think fit as to supervision and inspection, sanitation and water supply, weights and measures to be used, rents and fees to be charged, and such other matters as may be prescribed." The order and the resolution of the Panchayat cannot therefore be supported. They are accordingly quashed and this petition is allowed. There will be no order as to costs.