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**(2022) 05 KL CK 0134**

**In the High Court Of Kerala**

**Case No : Writ Petition (C) No.16845 Of 2022**

Shahul Hameed

APPELLANT

Vs

North Paravur Municipality Municipal Office

RESPONDENT

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**Date of Decision : 25-05-2022**

**Acts Referred:**

**Citation : (2022) 05 KL CK 0134**

**Hon'ble Judges : Anu Sivaraman, J**

**Bench : Single Bench**

**Advocate : K.Rajesh Sukumaran, Anoop V. Nair**

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## **Judgement**

Anu Sivaraman, J

1. This writ petition is filed challenging Ext.P9 notice by which the petitioner was required to close down his premises in which unauthorised occupation has been noticed by the Municipality.
2. It is submitted that in case the occupants are not removed within three days, further coercive action will be taken by the Municipality. The learned counsel for the petitioner submits that Ext.P9 was not preceded by any show cause notice and the petitioner had not been given any opportunity to raise his objections to the action proposed by the Municipality.
3. The learned counsel appearing for the Municipality submits that it was on account of persistent complaints raised by the neighbours with regard to the nuisance created by the activities of the petitioner that a notice in the nature of Ext.P9 had to be issued.
4. Having considered the contentions advanced on either side, I am of the opinion that even in case the allegations raised by the Municipality are correct, the petitioner is entitled to a show cause notice before coercive action is taken against him.

In the above view of the matter, the following directions are issued :-

Ext.P9 will be treated as a show cause notice issued by the Municipality to the petitioner. The petitioner will be permitted to make his written objections to Ext.P9 within a period of ten days from the date of receipt of a copy of this judgment. Thereafter, the objections raised by the petitioner will be considered and the petitioner as well as any objectors or complainants shall be heard and appropriate orders shall be passed. Till orders are passed as directed above, further coercive action shall be kept in abeyance.

This writ petition is ordered accordingly.