

(2010) 09 KL CK 0306

In the High Court Of Kerala

Case No : Writ Petition (C) No. 27219 of 2010 (B)

Smt. Muthu Mari

APPELLANT

Vs

Munnar Grama Panchayath, President, Munnar Grama
Panchayath and State of Kerala

RESPONDENT

Date of Decision : 16-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0306

Hon'ble Judges : P.N.Ravindran, J

Bench : Single Bench

Advocate : N.M. Varghese, for the Appellant; Aysha Youseff, SC, for the Respondent

Judgement

P.N. Ravindran, J.—The petitioner is the Secretary of Vanitha Canteen Co-operative Society Ltd. No. I/858/98 Munnar. The said society was running a canteen in a building belonging to the Munnar Grama Panchayat. Even before the period of the licence came to an end, the society was evicted for the purpose of constructing a new shopping complex in the site of the said building. The society surrendered possession way back in the year 2008. The grievance voiced by the petitioner in this writ petition is that though a new shopping complex has been put up and the society has been repeatedly requesting the Munnar Grama Panchayat for allotment of space to run a canteen in that building, till date, no decision has been taken on that request, a copy of which is produced as Ext.P20. In the writ petition, the petitioner seeks a direction to respondents 1 and 2 to allocate the canteen space in newly constructed shopping complex to the society.

2. A statement dated 15.9.2010 has been filed by the learned standing counsel for the Munnar Grama Panchayat. The relevant portion thereof reads as follows:

The petitioner was conducting a canteen before the bifurcation of the Munnar Grama Panchayat into Munnar Grama Panchayath and Devikulam Grama Panchayath. At present the petitioner is a member of the Devikulam Grama Panchayath. However, the petitioner is not conducting any canteen at present in

the Munnar Panchayath. However, the petitioner has been provided petty shop by the Panchayath, but no rent is being remitted by the petitioner even though she is conducting the same.

As a matter of fact, on the basis of the application of the petitioner, the Panchayath Committee has taken a decision to construct a canteen in the Panchayath compound. In the facts and circumstances detailed above, the petitioner is not entitled to the reliefs sought for. The writ petition is devoid of merits and the same may kindly be dismissed.

It is evident from the statement filed by the learned standing counsel for the Munnar Grama Panchayat that the committee of the Panchayat has taken a decision to construct a canteen building in the office compound of the Panchayat and to let it out to the petitioner. It is also stated that in the shopping complex, the construction of which is nearing completion, there is no provision for running a canteen. In my opinion, the decision taken by the committee of the Panchayat to construct a building in the office compound of the Panchayat and to let it out to the society for running a canteen should dispel any apprehension which the petitioner entertains that the society's request will not be favourably considered.

I accordingly dispose of the writ petition recording the statement filed by the learned standing counsel for the Munnar Grama Panchayat that the committee of the Panchayat has taken a decision to construct a building in the office compound of the Panchayat and to let it out to the Vanitha Canteen Co-operative Society Ltd. No. I/858/98, Munnar for running a canteen.