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**(2010) 04 KL CK 0047**

**In the High Court Of Kerala**

**Case No : WP (C) . No. 37684 of 2008 (J)**

The Thrikkakara Grama Panchayath

APPELLANT

Vs

Reliance Hyper Mart Ltd. and The Tribunal for LOCL Self

RESPONDENT

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**Date of Decision : 07-04-2010**

**Acts Referred:**

**Citation : (2010) 04 KL CK 0047**

**Hon'ble Judges : Antony Dominic, J**

**Bench : Single Bench**

**Advocate : S. Sreekumar, for the Appellant; A. Kumar, for the Respondent**

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## **Judgement**

Antony Dominic, J.—WP(c). No. 37684/08 is filed by the Thrikkakara Grama Panchayat, challenging Ext.P4 order passed by the Tribunal for Local Self Government Institutions in Appeal No. 443/08, declaring it ex-parte and taking the view that M/s. Reliance Hyper Mart Ltd., the first respondent in this writ petition is entitled to a deemed licence. The deemed licence declared in Ext.P4 order was for the year 2008-09 and therefore by lapse of time, period of the said deemed licence has expired long ago. Therefore, at this distance of time, I do not find any relevance to the issue raised in this writ petition. Therefore WP(c). No. 37684/08 is closed as infructuous.

2. In so far as WP(c). No. 9411/09 is concerned, that was filed by M/s. Reliance Hyper Mart Ltd; against the Thrikkakara Grama Panchayat praying to quash Ext.P3, the communication by which the licence application made by the petitioner was returned stating that WP(c). No. 37684/08 was pending. In that writ petition, this Court passed an interim order dated 30.3.2009, directing the Panchayat to permit the petitioner to continue the business until further orders. The period for which the licence was applied for by the petitioner was for the year 2009-2010. Now that the said period has expired, and for that reason, WP(c). No. 9411/09 is also closed as infructuous.

3. What remains is WP(c). No. 10883/2010. In this case also, the petitioner

made an application for renewal of its licence for the year 2010-2011. That application has also been returned by the Panchayat by Ext.P5 communication, stating that the Panchayat committee has not taken any decision regarding the granting of licence.

4. Having regard to the fact that in the previous years the petitioner had a deemed licence and also a licence in view of the interim order passed by this Court and even according to the Panchayat there has not been any violation of the licence conditions, I cannot uphold the view taken by the Panchayat in Ext.P5 refusing to pass orders on the licence application made by the petitioner.

5. Therefore I quash Ext.P5 and direct the Panchayat to pass orders, renewing the licence of the petitioner for the year 2010- 2011. This shall be done as expeditiously as possible and at any rate within 2 weeks from the date of production of a copy of the judgment. WP(c). No. 10883/2010 is disposed of as above.