



2025:KER:19759

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 6TH DAY OF MARCH 2025 / 15TH PHALGUNA, 1946

WP(C) NO. 25483 OF 2024

PETITIONER/S:

ANTOS C D,
AGED 48 YEARS
S/O DEVASSY, RESIDING IN THE ADDRESS
CHITILAPPILLY KUNNATH HOUSE, ARANATTUKARA P O,
THRISSUR DISTRICT, PIN - 680618

BY ADV G.SREEKUMAR (CHELUR)

RESPONDENT/S:

- 1 THE STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
DISTRICT, PIN - 695001
- 2 THE THRISSUR MUNICIPAL CORPORATION,
REPRESENTED BY ITS SECRETARY, OFFICE OF THE
THRISSUR MUNICIPAL CORPORATION , M O ROAD THRISSUR
P O, THRISSUR DISTRICT, PIN - 680001
- 3 THE SECRETARY,
THRISSUR MUNICIPAL CORPORATION, OFFICE OF THE
THRISSUR MUNICIPAL CORPORATION , M O ROAD THRISSUR
P O, THRISSUR DISTRICT, PIN - 680001
- 4 THE SUB INSPECTOR OF POLICE,
THRISSUR WEST POLICE STATION, THRISSUR WEST P O,
THRISSUR DISTRICT, PIN - 680003



- 5 THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, ROADS DIVISION,
CHEMBUKKAVU PO, THRISSUR DISTRICT, PIN - 680020
- 6 NIGIL JOHNSON,
AGED 38 YEARS
S/O JOHNSON, RESIDING IN THE ADDRESS PALLIKKUNNEL
HOUSE, NEAR AMBADIKULAM, PULLAZHY P O, THRISSUR
DISTRICT, PIN - 680004

BY ADVS.
SANTHOSH P.PODUVAL
RAJESH CHAKYAT C

OTHER PRESENT:

Smt.Preetha.K.K, Sr.G.P

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 06.03.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



JUDGMENT

This writ petition is submitted by the petitioner, seeking the following reliefs:

- "(i) Issue a writ of Mandamus or any other appropriate writ order or direction commanding the respondents 2 to 5 to take urgent steps to remove all encroachment in the public property as depicted in Ext P4, which is completely blocking the entrance of the petitioner to his premises, supported by Exts P1 and P2 documents, within specified time limits as may be fixed at the instance of this Hon'ble court in the interest of justice.
 - (ii) Issue a writ of Mandamus or any other appropriate writ order or direction commanding the 3rd and 4th respondents to take up Exts P4 and P7 representations respectively filed before the said authorities and to consider the same with all earnestness and to take appropriate steps in that regard within specified time limit as may be fixed by this Hon'ble court.
 - (iii) To exempt the petitioner from producing the translation of the documents which are in vernacular language.
- AND



(iv) To pass any such or further orders as the petitioner may seek and this Hon'ble Court deem fit to grant."

2. The grievance of the petitioner is that, the respondent No.6 is conducting sale of fruits in front of the property of the petitioner without any license and causing hindrance to the convenient usage of the property of the petitioner.

3. A statement has been submitted by the learned Standing Counsel for the 2nd respondent, wherein, it is specifically mentioned that, no permission has been granted by the Thrissur Municipal Corporation to the person for doing the business in front of the property of the petitioner.

4. The 6th respondent filed a detailed counter affidavit, wherein, he denied that the activities of the petitioner is resulting in any obstruction to the activities of the petitioner herein. However, it is seen that, the 6th respondent also could not produce any documents substantiate his authority to carry out the business therein.

In such circumstances, this writ petition is disposed of,



directing the 2nd and 3rd respondents to ensure that the 6th respondent is not carrying out any activity of sale of any articles, in front of the property of the petitioner without obtaining any valid license or approval from the competent authorities. However, it is clarified that this direction will not preclude or prejudice the 6th respondent from taking necessary steps for obtaining any approval/sanction from the authorities concerned.

Sd/-

ZIYAD RAHMAN A.A.
JUDGE

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APPENDIX OF WP(C) 25483/2024

PETITIONER EXHIBITS

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| Exhibit P1 | TRUE COPY OF THE DOCUMENT IN THE NAME
OF PETITIONER AND OTHERS BEARING NO
3971 OF 15 DATED 10.12.15 OF THE
AYYANTHOLE SRO |
| Exhibit P2 | TRUE COPY OF THE DOCUMENT BEARING NO
1054 OF 22 OF THE AYYANTHOLE SRO DATED
31.3.22 |
| Exhibit P3 | TRUE COPY OF THE PHOTOGRAPHS TAKEN BY
THE PETITIONER DATED NIL |
| Exhibit P4 | TRUE COPY OF THE COMPLAINT OF THE
PETITIONER DATED 12.12.23 BEFORE THE
3RD RESPONDENT |
| Exhibit P5 | TRUE COPY OF THE RECEIPT GIVEN BY THE
THRISSUR CORPORATION DATED 12.12.23 |
| Exhibit P6 | TRUE COPY OF THE FURTHER RECEIPT GIVEN
DATED 14.12.23 |
| Exhibit P7 | TRUE COPY OF THE COMPLAINT BY THE
PETITIONER BEFORE THE STATION HOUSE
OFFICER OF THE THRISSUR WEST POLICE
STATION DATED 12.12.23 |
| Exhibit P8 | TRUE COPY OF THE RECEIPT ISSUED BY THE
THRISSUR WEST POLICE STATION DATED
12.12.23 |