

N.A.Jaleel vs Thrissur Municipal Corporation on 29 January, 2024

Author: P.V.Kunhikrishnan

Bench: P.V.Kunhikrishnan

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
MONDAY, THE 29TH DAY OF JANUARY 2024 / 9TH MAGHA, 1945
WP(C) NO. 16803 OF 2014

PETITIONERS:

- 1 N.A.JALEEL, AGED 54 YEARS,
S/O.ABOOBACKER ROOM NO.54,
SHAKTHANTHAMPURAN FISH MARKET,
THRISSUR RESIDING AT NJAVELIPARAMBIL HOSUE,
OLLUKARA, THRISSUR DISTRICT.
- 2 T.T.FRANCIS
ROOM NO.21, SHAKTHANTHAMPURAN FISH MARKET,
THRISSUR RESIDING AT THATTIL UMBAVOO HOUSE,
ARANATTUKARA.
- 3 P.A.HASSAN
ROOM NO.35, SHAKTHANTHAMPURAN FISH MARKET,
THRISSUR RESIDING AT PANIKKAVEETIL
VALIYAPARAMBIL HOUSE, POST KOORKENCHERRY,
THRISSUR.
- 4 GODFREY
ROOM NO.50, SHAKTHANTHAMPURAN FISH MARKET,
THRISSUR RESIDING AT ARANGASSERY HOUSE,
INDUSTRIAL ESTATE ROAD, P.O OLLUR,
THRISSUR DISTRICT.
- 5 P.K.CHANDRAN
ROOM 20, SHAKTHANTHAMPURAN FISH MARKET,
THRISSUR RESIDING AT PARAPARAMBIL HOUSE,
ANCHERY POST, OLLUR, THRISSUR DISTRICT.
- 6 T.P.JOSE
ROOM NO.46, SHAKTHANTHAMPURAN FISH MARKET,
THRISSUR RESIDING AT THATTILUMBAYOO HOUSE,
P.O PULLAZHI, OLARIKKARA, THRISSUR DISTRICT.
- 7 K.G.SANTHOSH
ROOM NO.47, SHAKTHANTHAMPURAN FISH MARKET,
THRISSUR RESIDING AT KURIYEDATH HOSUE,

WP(C) NO. 16803 OF 2014 & 11570 OF 2015

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PERAMANGALAM P.O, THRISSUR DISTRICT.

- 8 MARY VARGHESE
W/O.A.L.VARGHESE, ROOM NO.49, S
HAKTHANTHAMPURAN FISH MARKET,
THRISSUR RESIDING AT ARANGASSERY HOUSE,
P.O POOKUNNAM, THRISSUR.
- 9 A.S.VIJAYALAKSHMY
ROOM NO.51, SHAKTHANTHAMPURAN FISH MARKET,
THRISSUR RESIDING AT KADAVIL HOUSE,
P.O KOORKANCHERY.
- 10 JOSE T.J
ROOM 66, SHAKTHANTHAMPURAN FISH MARKET,
THRISSUR RESIDING AT THATTIL UMBAVU HOUSE,
ARANATTUKARA, THRISSUR.
- 11 M.K.ANTONY
ROOM NO.52, SHAKTHANTHAMPURAN FISH MARKET,
THRISSUR RESIDING AT MUTHIPEEDIKA HOUSE,
KURIYACHIRA.

BY ADV SRI.M.P.ASHOK KUMAR

RESPONDENTS:

- 1 THRISSUR MUNICIPAL CORPORATION
THRISSUR, REPRESENTED BY ITS SECRETARY 680 001.
 - 2 SECRETARY
THRISSUR CORPORATION, CORPORATION OFFICE,
THRISSUR 680 003.
 - 3 THE CIRCLE INSPECTOR OF POLICE
THRISSUR EAST CIRCLE OFFICE,
THRISSUR 680 003.
 - 4 THE COMMISSIONER OF POLICE
THRISSUR 680 003.
 - 5 C.T.MOHAN
- WP(C) NO. 16803 OF 2014 & 11570 OF 2015

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CHITTILAPILLY HOUSE, ANCHANGADI, STALL NO.55,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

6 KOCHUMOHAMMED
KIPPAKKULAM, THIRUVANIKUNN, STALL NO.56,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

7 VINOD V.S
STALL NO.58, SAKTHAN THAMPURAN MARKET,
THRISSUR 680 001.

8 E.K.BABY
EDAPPARA HOUSE, NELLIKKUNNU, STALL NO.61,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

9 A.K.ABDUL RAHIMAN
ARAKKAVEETIL, EDASSERY, STALL NO.62,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

10 P.K.ANTONY
CHULLAN HOUSE, KOZHUKKULLI, STALL NO.63,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

11 ELSY THOMAS
KUTTIKKATTIL HOSUE, STALL NO.64,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

12 KARTHAYANI
PATTATHUPARAMBIL HOUSE, STALL NO.65,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

13 A.S.SUDHEER
S/O.SIDDIQUE, STALL NO.67,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

14 AANI
D/O.CHAKKAPAN, MARIYAPURAM, STALL NO.68,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

15 K.Y.BENNY
S/O.YOHANNAN, STALL NO.69,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

WP(C) NO. 16803 OF 2014 & 11570 OF 2015

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16 P.O.BABU
PURATHUKKARAN HOUSE, NELLIKKUNNU STALL NO.71,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

17 E.T.BIJU

ERANKERI HOUSE, PARAVATTANI, STALL NO.72,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

18 T.P.VARGHESE
THATTI HOUSE, VADOOKKARA, STALL NO.73,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

19 P.T.JOY
PUTHUSSERY HOUSE, MADAKKATHARA STALL NO.74,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

20 P.P.JOHNY
PAYYAPPILLY HOUSE, PALAKKAL STALL NO.75,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

21 ELIYAKKUTTY
W/O.P.D.OUSEPH, KRISHNAPURAM, STALL NO.76,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

22 V.D.DAVIS
S/O.THOMAS, STALL NO.78, SAKTHAN THAMPURAN MARKET,
THRISSUR 680 001.

23 C.T.DAVIS
S/O.THOMAS, STALL NO.79, SAKTHAN THAMPURAN MARKET,
THRISSUR 680 001.

24 P.V.VARGHESE
PALAKKAL HOUSE, NELLIKKUNNU, STALL NO.80,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

25 C.T.JOSE
S/O.THOMA, VILLADAM, STALL NO.81,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

26 M.I.ABDULLAMON
CHETTUVA, STALL NO.83, SAKTHAN THAMPURAN MARKET,
WP(C) NO. 16803 OF 2014 & 11570 OF 2015

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THRISSUR 680 001.

27 M.I.NOUSHAD
CHETTUVA, STALL NO.83, SAKTHAN THAMPURAN MARKET,
THRISSUR 680 001.

28 K.ANTO
KALOOKKARA, OLLUR, STALL NO.84,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

29 K.K.PORINJU

KANJIRATHINGAL, PARAVATTANI, STALL NO.86,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

30 P.A.MOHAMMED
PANIKKAVEETIL, EDASSERY, STALL NO.87,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

31 MOLY VARGHESE
JAIKKADAN HOUSE, ANCHERRY, STALL NO.88,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

32 M.P.SUNNY
MANALI HOUSE, CHELAKKATTUKARA, STALL NO.89,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

33 T.R.ANTONS
THRIKKOKKARAN HOUSE, KURIACHIRA STALL NO.90,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

34 P.A.RAPPAI
PONAMI HOUSE, CHIYYARAM, STALL NO.91,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

35 P.K.BUSHRA
PUTHANPEEDIKAYIL HOUSE, DESAMANGALAM STALL NO.92,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

36 A.S.NAZEER
AMBALATH HOUSE, SAWMILL ROAD, STALL NO.93,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

37 ROJAM INASU (ROSI)
WP(C) NO. 16803 OF 2014 & 11570 OF 2015

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CHELLAKKOTTUKARA STALL NO.94,
SAKTHAN THAMPURAN MARKET, THRISSUR 680 001.

BY ADVS.
SRI. SANTHOSH P.PODUVAL, SC, THRISSUR CORPORATION
SMT.P.R.REENA
SRI.RENJITH THAMPAN SR.
SRI.RYAL DEVASSY, G.P.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29.01.2024, ALONG WITH WP(C).11570/2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO. 16803 OF 2014 & 11570 OF 2015

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
MONDAY, THE 29TH DAY OF JANUARY 2024 / 9TH MAGHA, 1945
WP(C) NO. 11570 OF 2015

PETITIONER:

THE THRISSUR DISTRICT MERCHANTS' ASSOCIATION
MERCHANTS' MANDIR, PALAKKALANGADI,
THRISSUR-680 001,
REPRESENTED BY ITS THE GENERAL SECRETARY

BY ADVS.
SRI.M.P.ASHOK KUMAR
SMT.BINDU SREEDHAR
SMT.R.S.MANJULA

RESPONDENTS:

- 1 THRISSUR MUNICIPAL CORPORATION
THRISSUR, REPRESENTED BY ITS SECRETARY
 - 2 SECRETARY
THRISSUR CORPORATION, CORPORATION OFFICE,
THRISSUR -680 003
 - 3 THE CIRCLE INSPECTOR OF POLICE
THRISSUR EAST CIRCLE OFFICE,
THRISSUR - 680 003
 - 4 C.T. MOHAN
CHITTELAPPILLY, HOUSE ANCHANGADI, STALL NO.55
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
 - 5 KOCHUMOHAMMED
KIPPAKKULAM, THIRUVANIKUNN, STALL NO.56,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
- WP(C) NO. 16803 OF 2014 & 11570 OF 2015

- 6 VINOD V.S
STALL NO.58, SAKTHAN THAMPURAN MARKET,
THRISSUR-680 001.

- 7 E.K. BABY
EDAPPARA HOUSE, NELLIKKUNU STALL NO.61,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
 - 8 ELSY THOMAS
KUTTIKKATTIL HOUSE STALL NO.64,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
 - 9 A.S. SUDHEER
S/O SIDDIQUE, STALL NO.67,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
 - 10 AANI
D/O CHAKKAPAN, MARIYAPURAM STALL NO.68,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
 - 11 K.Y.BENNY
S/O YOHANNAN, STALL NO.69,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
 - 12 P.O.BABU
PURATHUKKARAN HOUSE, NELLIKKUNNU STALL NO.71,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
 - 13 E.T. BIJU
ERANKERI HOUSE, PARAVATTANI STALL NO.72,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
 - 14 T.P. VARGHESE
THATTI HOUSE, VADOOKKARA, STALL NO.73,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
 - 15 P.T. JOY
PUTHUSSEERY HOUSE, MADAKKATHRA, STALL NO.74,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
 - 16 P.P. JOHNY
PAYYAPPILLY HOUSE, PALAKKAL STALL NO.75,
WP(C) NO. 16803 OF 2014 & 11570 OF 2015
- 9
- SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
- 17 ELIYAKKUTTY
W/O P.D. OUSEPH, KRISHNAPURAM, STALL NO.76,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
 - 18 V.D. DAVIS
S/O THOMAS, STALL NO.78, SAKTHAN THAMPURAN MARKET,
THRISSUR-680 001.

- 19 C.T. DAVIS
S/O THOMAS, STALL NO.79, SAKTHAN THAMPURAN MARKET,
THRISSUR-680 001.
- 20 P.V. VARGHESE
PALAKKAL HOUSE, NELLIKUNNU, STALL NO.79,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
- 21 C.T.JOSE
S/O THOMA, VILLADAM, STALL NO.81,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
- 22 M.I. ABDULLAMON
CHETTUVA, STALL NO.82, SAKTHAN THAMPURAN MARKET,
THRISSUR-680 001.
- 23 M.I. NOUSHAD
CHETTUVA, STALL NO.83, SAKTHAN THAMPURAN MARKET,
THRISSUR-680 001.
- 24 K. ANTO
KALOOKKARAN, OLLUR, STALL NO.84,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
- 25 K.K. PORINJU
KANJIRATHINGAL, PRAVATTANI, STALL NO.86,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
- 26 P.A. MOHAMMED
PANIKKAVEETIL, EDASSERRY, STALL NO.87,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
- 27 MOLY VARGHESE
WP(C) NO. 16803 OF 2014 & 11570 OF 2015

10

- JAIKKADAN HOUSE, ANCHERRY, STALL NO.88,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
- 28 M.P. SUNNY
MANALI HOUSE, CHELAKKATTUKARA, STALL NO.89,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
- 29 T.R. ANTOS
THRIKKOKKARAN HOUSE, KURIACHIR, STALL NO.90,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
- 30 P.A. RAPPAI
PONAMI HOUSE, CHIYYARAM, STALL NO.91,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.

- 31 P.K. BUSHRA
PUTHANPEEDIKAYIL HOUSE, DESAMANGALAM,
STALL NO.92, SAKTHAN THAMPURAN MARKET,
THRISSUR-680 001.
- 32 A.S. NAZEER
AMBALATH HOUSE, SAWMILL ROAD, STALL NO.93,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
- 33 ROJAM INASU (ROSI)
CHELLAKKOTTUKARA, STALL NO.94,
SAKTHAN THAMPURAN MARKET, THRISSUR-680 001.
- BY ADVS.
SMT.G.RANJITA
SMT.P.R.REENA
SRI.RENJITH THAMPAN SR.
SRI.B.S.SYAMANTAK, SR.GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29.01.2024, ALONG WITH WP(C) NO.16803/2014, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:
WP(C) NO. 16803 OF 2014 & 11570 OF 2015

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P.V.KUNHIKRISHNAN, J.

W.P. (C) Nos.16803 of 2014
& 11570 of 2015

Dated this the 29th day of January, 2024

JUDGMENT

These two writ petitions are connected and therefore I am disposing of these two writ petitions by a common judgment.

2. The above writ petitions are filed with the following prayers:-

- i. Direct the 1st and 2nd respondent municipality to revoke the licenses granted to respondents 5 to 37 retailers for violating Ext.P5 settlement.
- ii. Issue a writ in the nature of mandamus commanding the respondents 1 to 4 to ensure that the whole sale business of fish in the Sakthan Thampuran market in Thrissur Corporation is

conducted only by persons with wholesale license issued by the Thrissur Corporation.
iii. Issue appropriate writ or order commanding the WP(C) NO. 16803 OF 2014 & 11570 OF 2015 corporation to restrain the retail fish merchants from interfering in any manner in the smooth conduct of wholesale fish business by the petitioners in the Shakthan Thampuran non vegetarian fish market.

iv. Issue a writ of certiorari or any other appropriate writ or order commanding the Corporation to cancel the licenses of those retails fish vendors who are occupying the area earmarked for varantha. v. Declare that the respondents 5 to 37 have no right to conduct the retail business of fish in the Sakthan Thamburan non-vegetarian market, Thrissur as they are not holding the license under the Food Safety and Standards Act 2006.

vi. Direct the municipality and police authorities to ensure that the fish business in the Sakthan Thamburan non-vegetarian market is being strictly in accordance with Ext.P5 agreement. vii. To grant such other reliefs, as this Hon'ble Court shall deem just and proper in the interest of justice, including costs.

i. Declare that the retail fish vendors in Sakthan Thamburan non-vegetarian market, have no right to occupy or conduct business in any place other than the specific room space allotted to them. ii. Direct 1st and 2nd respondents, to take appropriate action to revoke the licenses granted to respondents 4 to 33 for doing retail fish trade in the passage, varanda, open yard etc. in violation of license conditions.

WP(C) NO. 16803 OF 2014 & 11570 OF 2015 iii. Direct respondents 1 to 3 to ensure that the retail fish business in the Sakthan Thamburan non- vegetarian market is conducted strictly in accordance with the license conditions. iv. To grant such other reliefs, as this Hon'ble Court shall deem just and proper in the interest of justice, including costs.

3. The main grievance of the petitioners is that the petitioners are wholesale businessman and the contesting respondents are doing business in violation of the licence condition and they are only retail fish vendors. It is also submitted that there was an understanding between the petitioners and the contesting respondents in the presence of the Corporation authorities and the same is violated by the contesting respondents.

4. These writ petitions are pending before this Court from 2014 onwards. No interim orders are passed in these cases. If there is any surviving grievances, the petitioners are free to approach the 1st respondent and in such situations, the 1st respondent will do the needful in accordance with law, after WP(C) NO. 16803 OF 2014 & 11570 OF 2015 giving an opportunity of hearing to the petitioners and other affected parties.

With the above observations, these Writ Petitions (Civil) are disposed of.

Sd/-

P.V.KUNHIKRISHNAN, JUDGE AS WP(C) NO. 16803 OF 2014 & 11570 OF 2015 APPENDIX OF WP(C) 16803/2014 PETITIONERS' EXHIBITS:

EXHIBIT P1. COPY OF THE LICENSE ISSUED BY THE TRICHUR MUNICIPAL CORPORATION TO THE 1ST PETITIONER DATED 04.02.14.

EXHIBIT P2. COPY OF THE FOOD SAFETY LICENSE ISSUED UNDER THE FOOD SAFETY AND STANDARDS ACT 2006 DATED 01.04.14.

EXHIBIT P3. COPY OF THE JUDGMENT IN WPC 29384/12 DATED 13.03.13.

EXHIBIT P4. COPY OF THE REPRESENTATION DATED 15.02.13.

EXHIBIT P5. COPY OF THE MINUTES OF THE JOINT MEETING HELD ON 03.02.14.

WP(C) NO. 16803 OF 2014 & 11570 OF 2015 APPENDIX OF WP(C) 11570/2015 PETITIONER'S EXHIBITS:

EXT.P1. PHOTOCOPY OF THE SPECIMEN LICENSE ISSUED BY THE TRICHUR MUNICIPAL CORPORATION EXT.P2. PHOTOCOPY OF THE REPRESENTATION DATED 15.02.2013 FILLED BEFORE THE COMMISSIONER OF POLICE, THRISSUR EXT.P3. THE PHOTOCOPY OF THE REPRESENTATION DATED 25.03.2015 FILED BEFORE THE 1ST RESPONDENT EXT.P4. THE PHOTOCOPY OF ACKNOWLEDGEMENT ISSUED BY THE 1ST RESPONDENT