

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

Wednesday, the 22nd day of March 2023 / 1st Chaithra, 1945WP(C) NO. 8590 OF 2023PETITIONER:

1. KOTTAYAM MERCHANTS ASSOCIATION, AGED 77 YEARS REG. NO. K.59/1960, ASSOCIATION BUILDING, M.L ROAD, KOTTAYAM REPRESENTED BY PRESIDENT KHADAR, AGED 77, S/O.ABOOBACKER MAHE HOUSE, MANIKKUNNAM, VELOOR KOTTAYAM-3, PIN - 686001
2. JAIMY JOSEPH, AGED 61 YEARS S/O. JOSEPH, KONDODICKAL HOUSE, MUTTAMBALAM P.O, KOTTAYAM -686004., PIN - 686004
3. BAIJU.S., AGED 62 YEARS S/O. V.K SUKUMARAN, OOTHIYIL HOUSETHIRUVATHUKKAL, KOTTAYAM - 686003., PIN - 686003
4. NOUSHAD, AGED 52 YEARS S/O. IBRAHIM, FAJR, THAZHATHANGADI KOTTAYAM - 686005.
5. THOMAS.A.A., AGED 63 YEARS S/O. ABRAHAM,ARACKKAL HOUSE, OLESSA P.O, KOTTAYAM - 686014.
6. SANTHOSH.P MANI, AGED 56 YEARS S/O.LATE MANI, NADUVATH HOUSE, PUTHUPPALLY.P.O, KOTTAYAM TALUK - 686011.
7. DOMINIC.V.G., AGED 45 YEARS S/O. P.N GEORGE, VALUPARAMBIL HOUSE, PUTHENANGADY, KOTTAYAM , PIN - 686001

RESPONDENT:

1. STATE OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY TO LOCAL ADMINISTRATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001., PIN - 695001
2. KOTTAYAM MUNICIPALITY, MUNICIPAL OFFICE BUILDING, YMCA ROAD, KOTTAYAM - 686001 REPRESENTED BY SECRETARY, KOTTAYAM DISTRICT., PIN - 686001
3. SECRETARY, KOTTAYAM MUNICIPALITY, MUNICIPAL OFFICE BUILDING, YMCA ROAD, KOTTAYAM - 686001, KOTTAYAM DISTRICT., PIN - 686001
4. CHAIRMAN, KOTTAYAM MUNICIPALITY, MUNICIPAL OFFICE BUILDING, YMCA ROAD, KOTTAYAM, KOTTAYAM DISTRICT - 686001., PIN - 686001

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 2nd respondent municipality that they shall not decline to issue trade licences to the petitioners and members of the 1st petitioner association and also decline to render other services to them for the reason that the revised property tax for the buildings are not paid.

This petition coming on for orders upon perusing the petition and

the affidavit filed in support of WP(C) and upon hearing the arguments of M/S V.RAJENDRAN (PERUMBAVOOR), N.RAJESH, GOPAKUMAR P. Advocates for the petitioners, M/S AJIT JOY, SC, KOTTAYAM MUNICIPALITY(for R7) Advocates for the respondents, the court passed the following:



ORDER

Admit. Government Pleader takes notice for the first respondent. Standing Counsel takes notice for respondents 2 to 4. Respondents to place on record their counter affidavit/statement. There will be an interim direction to the second respondent to accept building tax of the petitioners' building bearing Kottayam Municipality Nos.993D, 993 C1, 993 C2, 993 B1, 993 B2 and 993 A without insisting for payment of Service Sub Tax as stipulated in Exts.P3 and P4, as and when the same is tendered. There will be an interim direction to the 2nd respondent not to reject any application for Trade licence or for conducting trade or business in the municipality or decline to receive any applications for the above purpose on the ground that the revised property tax of the building is not remitted.

Sd/- **T.R.RAVI** JUDGE

