IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 15TH DAY OF MARCH 2024 / 25TH PHALGUNA, 1945

WP(C) NO. 10562 OF 2024

PETITIONER/S:

AMEERALI PALAKKAN
AGED 58 YEARS
S/O MAMMAD HAJI, PALAKKAN HOUSE, ALATHURPADI, MELMURI P O, MALAPPURAM DISTRICT, PIN - 676517

BY ADVS.
C.R.SANISH
KARTHIK S. ACHARYA
ANJANA K.P.

RESPONDENT/S:

1 **THE SECRETARY TO THE GOVT., LOCAL SELF GOVT. DEPARTMENT**
THE SECRETARY TO THE GOVT., LOCAL SELF GOVT. DEPARTMENT, THIRUVANANTHAPURAM, PIN - 695003

2 **THE JOINT DIRECTOR**
OFFICE OF THE JOINT DIRECTOR, LOCAL SELF GOVT. DEPARTMENT, MALAPPURAM, PIN - 676505

3 **THE REVENUE DIVISIONAL OFFICER**
REVENUE DIVISIONAL OFFICE, PERINTHALMANNA, PIN - 679322

4 **THE SECRETARY**
MALAPPURAM MUNCIPALITY , MALAPPURAM, PIN - 676505

5 **THE DEPUTY GENERAL MANAGER**

(RETAIL SALES), INDIAN OIL CORPORATION, DIVISIONAL OFFICE, PANAMPILLY AVENUE, PANAMPILLY NAGAR P O, ERNAKULAM, PIN - 682036

6 THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES ERNAKULAM SUB CIRCLE OFFICE, PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION (PESO), DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE, KENDRIYA BHAVAN, C 2, 3RD FLOOR, CGO COMPLEX, KAKANAD P O, ERNAKULAM, PIN - 682030

7 KUNJALAVI
AGED 60 YEARS
FATHERS NAME NOT KNOWN, PROPRIETOR, P P FUELS, ALATHURPADI, MELMURI P O, MELMURI VILLAGE, ERNAD TALUK, MALAPPURAM DISTRICT, PIN – 676517

SMT.DEVISHRI, GP, SRI.K.I.ABDUL RASHEED, SC, SRI.M.GOPIKRISHNAN NAMBIAR, R5

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

W.P.(C.) No. 10562 of 2024

Dated this the 15th day of March, 2024

JUDGMENT

The above writ petition is filed with following prayers :

i) "Issue a writ of mandamus or any other appropriate writ, order or direction and thereby command the 3rd respondent to consider and dispose Exhibit P1 representation and Exhibit P8 complaint within a time as fixed by this Honourable court.

ii) Issue a writ of mandamus or any other appropriate writ, order or direction and thereby command the 4th respondent to comply Exhibit P7 communication within a time as fixed by this Honourable court.

iii) Issue a writ of mandamus or any other appropriate writ, order or direction and thereby command the 5th respondent to consider and dispose Exhibit P3 representation within a time as fixed by this Honourable Court

iv) Issue a writ of mandamus or any other appropriate writ, order or direction and thereby command the 4th respondent to issue stop memo to the 7th respondent and thereby stop the illegal functioning of the fuel pump.

v) Grant such other reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case." [sic]

2. When this writ petition came up for consideration, the learned counsel for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 3rd respondent to consider Exts.P1 and P8 within a time frame.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the 5th respondent. No notice is necessary to the 7th respondent at this stage. If the 7th respondent is aggrieved by any of the directions issued by this Court, the 7th respondent is free to file a review petition also.

4. In the light of the above discussion, this writ petition is disposed of with the following directions :

1) The 3rd respondent is directed to consider and pass appropriate orders in accordance with law, in Exts.P1 and P8 after giving an opportunity of hearing to the petitioner and the 7th respondent as expeditiously as possible, at any

rate, within three months from the date of receipt of a certified copy of this judgment.

2) The petitioner will produce a certified copy of this judgment along with a copy of this writ petition with exhibits before the 3rd respondent for compliance.

SD/-

P.V.KUNHIKRISHNAN
JUDGE

SKS

APPENDIX OF WP(C) 10562/2024

PETITIONER EXHIBITS

Exhibit P1	**THE TRUE COPY OF THE REPRESENTATION DATED 13/09/2023 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.**
Exhibit P2	**THE TRUE COPY OF THE REPRESENTATION DATED 13/09/2023 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.**
Exhibit P3	**THE TRUE COPY OF THE COMPLAINT DATED 21/09/2023 SUBMITTED BY THE PETITIONER BEFORE THE 5TH RESPONDENT**
Exhibit P4	**THE TRUE COPY OF THE POSTAL RECEIPT DATED 22/09/2023 SHOWING THE ISSUANCE OF EXT.P3 TO 5TH RESPONDENT**
Exhibit P5	**THE TRUE COPY OF THE COMPLAINT DATED 21/09/2023 SUBMITTED BY THE PETITIONER BEFORE THE 6TH RESPONDENT**
Exhibit P6	**THE TRUE COPY OF THE POSTAL RECEIPT DATED 22/09/2023 SHOWING THE ISSUANCE OF EXT.P5 TO 6TH RESPONDENT**
Exhibit P7	**THE TRUE COPY OF THE COMMUNICATION DATED 30/09/2023 BEARING NO.LSGD/JD/MPM/6721/2023/E4 ISSUED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT**
Exhibit P8	**THE TRUE COPY OF THE COMPLAINT DATED 11/12/2023 FILED BY THE PETITIONER BEFORE**

	THE 3RD RESPONDENT
Exhibit P9	**THE PHOTOGRAPH SHOWING THE ILLEGAL CONSTRUCTION OF THE WALL BEHIND THE 7TH RESPONDENT FUEL PUMP TRESPASSING PANAKKAD CHIRAKKAL THODU**
Exhibit P10	**THE PHOTOGRAPH SHOWING THE STAFF OF 7TH RESPONDENT SELLS PETROL IN SMALL PLASTIC BOTTLES.**