

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

OP(C).No. 372 of 2015 (O)

**I.A. NO.181/2015 IN APPEAL NO.83/2015 OF COURT OF THE TRIBUNAL FOR LOCAL
SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.**
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PETITIONER(S):

- 1. PREMALATHA, W/O.ASHOKAN,
AGED 45 YEARS, KIRAN NIVAS, T.C.19/746 (1),
MUDAVANMUGAL, POOJAPURA P.O.,
THIRUVANANTHAPURAM - 695 012.**
- 2. ASHOKAN. M, S/O.V. MADHAVAN NADAR,
AGED 52 YEARS, KIRAN NIVAS, T.C.19/746 (1),
MUDAVANMUGAL, POOJAPURA P.O.,
THIRUVANANTHAPURAM - 695 012.**

**BY ADVS.SRI.V.V.NANDAGOPAL NAMBIAR,
SMT.PREEJA. P.VIJAYAN.**

RESPONDENT(S):

- 1. USHA DEVI, W/O.K. PUSHPARAJAN ACHARI,
AGED 52 YEARS, T.C.19/2040 (1),
'ROHINI', VANIYATH LANE, MUDAVANMUGAL,
POOJAPURA P.O., THIRUVANANTHAPURAM - 695 012.**
- 2. THE SECRETARY,
THIRUVANANTHAPURAM CORPORATION,
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM - 695 033.**

**R1 BY ADVS. SRI.S.NARAYANAN NAIR,
SRI.K.PUSHPARAJAN ACHARY,
SRI.GEORGEKUTTY MATHEW.**

**R2 BY SRI.N.NANDAKUMARA MENON, SENIOR SC.
ADV. SRI.P.K.MANOJKUMAR,SC.**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 02-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF THE APPEAL PETITION NO.1312/2014 ALONG WITH THE STAY PETITION ON THE FILES OF TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.
- P2- TRUE COPY OF THE APPEAL PETITION, NO. 83/2015 ALONG WITH THE STAY PETITION ON THE FILES OF TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.
- P3- TRUE COPY OF THE PERMIT DATED 04.11.2014.
- P4- TRUE COPY OF THE ORDER DATED 27.01.2015 IN I.A.NO.181/2015 IN APPEAL NO. 83/2015.
- P5- TRUE COPY OF HTE OBJECTIONS TO THE STAY PETITION IN APPEAL NO. 83/2015.
- P6- TRUE COPY OF HTE JUDGMENT IN OPC NO. 1684/2014 DATED 28.08.2014.

RESPONDENT'S EXHIBITS:-

- EXT.R1A COPY OF THE AFFIDAVIT AND PETITION.
- EXT.R1B COPY OF THE COMMISSION REPORT FILED IN APPEAL NO.928/2013.
- EXT.R1C COPY OF THE ORDER IN APPEAL NO.928/2013.
- EXT.R1D COPY OF THE JUDGMENT IN OS. NO.50/2011 OF MUNSIF COURT, THIRUVANANTHAPURAM.
- EXT.R1E COPY OF THE JUDGMENT IN OP(C) NO.1684/2014 DATED 28/08/2014.
- EXT.R1F COPY OF THE STATEMENT FILED BY THE 1ST RESPONDENT.
- EXT.R1G COPY OF THE JUDGMENT IN WP(C).NO.30094/2014 DATED 18/11/2014.
- EXT.R1H COPY OF THE NOTICE DATED 28/11/2014 ALONG WITH COPY OF THE ENVELOP ISSUED BY 1ST RESPONDENT.
- EXT.R1I COPY OF THE PERMIT NO.E8/87040/2014 DATED 04/11/2014 ALONG WITH APPROVED PLAN.

//TRUE COPY//

P.A. TO JUDGE

rs.

B.KEMAL PASHA, J.

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O.P.(C).No.372 of 2015

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Dated this the 2nd day of July, 2015

J U D G M E N T

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

2. On hearing either side, this Court is also of the view that the Tribunal can be directed to dispose of both the appeals i.e., Appeal No.1312 of 2014 and Appeal No.83 of 2015 as expeditiously as possible, at any rate within a period of six months from the date of receipt of a copy of this judgment.

3. Interim order passed by this Court will continue till then. It is made clear that the Tribunal can modify the said

order, in case, any modification is necessitated on the application from either sides.

This Original Petition (Civil) is disposed of as above.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/2/7/15