

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

RPNo. 787 of 2015 IN WA.132/2013

AGAINST THE JUDGMENT IN WA 132/2013 of HIGH COURT OF KERALA DATED 02-06-2015

REVIEW PETITIONER/2ND RESPONDENT:

THE KERALA STATE COASTAL ZONE MANAGEMENT AUTHORITY
REPRESENTED BY ITS MEMBER SECRETARY, SASTRA BHAVAN
PATTON, THIRUVANANTHAPURAM 682304.

BY ADV. SRI.K.R.SUNIL, KERALA COASTAL ZONE MANAG

RESPONDENTS/RESPONDENTS:

1. THE MARADU MUNICIPALITY
MARADU P.O., REPRESENTED BY ITS SECRETARY
KOCHI-682 304.
2. THE SECRETARY
MARADU MUNICIPALITY, MARADU P.O., KOCHI-682 304.
3. THE PRINCIPAL SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT (RB) DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 001.
4. ALFA AVENTURES PVT.LTD
ALFA TOWERS, I.S.PRESS ROAD
REPRESENTED BY ITS DIRECTOR J.PAUL RAJ
KOCHI-682 018.

R4 BY ADV. SRI.V.M.KURIAN
R BY GOVERNMENT PLEADER SRI.P.FAZIL
R BY SRI.T.R.RAJAN, SC

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 11-11-2015,
ALONG WITH RP. 912/2015, RP. 913/2015, RP. 914/2015, RP. 915/2015, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P. CHALY, JJ.

R.P. No.787 of 2015 in W.A.132 of 2013
R.P. No.912 of 2015 in W.A.199 of 2013
R.P. No.913 of 2015 in W.A.150 of 2013
R.P. No.914 of 2015 in W.A.151 of 2013 &
R.P. No.915 of 2015 in W.A.148 of 2013

Dated this the 11th day of November, 2015

ORDER

Antony Dominic, J.

These review petitions are filed by the Kerala State Coastal Zone Management Authority, essentially seeking review of paragraph 12 of the common judgment rendered by this Court on 2nd June 2015 disposing of the writ appeals. In paragraph 20, after referring to the letter dated, 17.6.2006 issued by the review petitioner, this Court held that the obligation thereunder is on the local authority and that if the local authority has failed in complying with the requirements of the letter, the permit holders cannot be taken to task. The contention raised by the counsel for the review petitioner is that as a result of the misconduct by the local authority, illegal construction was permitted and that, the last sentence of the paragraph should be deleted.

2. Having heard the counsel for the parties, we find that for the failure of the local authority in complying with the letter, the permit holders cannot be taken to task was a conscious finding entered into by the Court and we do not find any error in that finding justifying the entertainment of the review petitions.

Review petitions are dismissed accordingly.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

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