

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&**

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WA.No. 1807 of 2015 () IN WP(C).3747/2015

**AGAINST THE ORDER/JUDGMENT IN WP(C) 3747/2015 of HIGH COURT OF KERALA
DATED 25-06-2015**

APPELLANT(S)/ADDL. RESPONDENT NO. 4:

**SHEEBA DUROM,
W/O. LATE GODWIN DUROM, CHULLIKKAT HOUSE,
PATEL MARKET ROAD, THOPPUMPADY P.O., KOCHI - 682 005.**

BY ADV. SRI.S.GOPAKUMAR

RESPONDENT(S)/PETITIONER & RESPONDENTS 1 TO 3:

- 1. K.A.JOHNSON,
S/O. ALEXANDER, KONNOTH HOUSE, KOCHUPALLI ROAD,
KOCHI - 682 005.**
- 2. THE CORPORATION OF COCHIN,
ERNAKULAM, COCHI - 682 011, REP. BY THE SECRETARY.**
- 3. THE SECRETARY,
CORPORATION OF COCHIN, ERNAKULAM, COCHIN - 682 011.**
- 4. GILBERT DUROM,
S/O. ANDREW DUROM, CHULLIKKATTU HOUSE, THOPPUMPADY,
KOCHI - 682 005.**

**R1 BY ADVS. SRI.K.C.ELDHO
SRI.JIJO THOMAS
SRI.MALLENATHAN.M.
SRI.P.V.MATHEW
SRI.ANIL R.NATH**

**R2 & R3 BY ADVS. SRI.MILLU DANDAPANI
SRI.P.K.SOYUZ,SC,COCHIN CORPORATION
SRI.K.R.VINOD**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 29-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DG

**THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.**

W.A.No.1807 of 2015

Dated this the 29th day of September, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. We have heard the learned counsel for the appellant and the learned counsel for the contesting respondents.
2. The 1st respondent, writ petitioner instituted the writ petition alleging that the corporation authorities are not acting in accordance with law to ensure removal of a structure over a public drain. That was held by the husband of the appellant, who is now no more. It is stated that he was running a meat shop from there.
3. The learned single Judge after dilating on the different aspects of law and facts concluded that the structure is unauthorized and is liable to be removed. The writ petition was accordingly ordered.
4. The appellant who was the additional 4th respondent before the

learned single Judge has filed this appeal challenging the aforesaid decision.

5. When the matter is taken up for consideration for admission, after pointing out the relevant aspects, the only issue that is sought to be pressed is that any right of the appellant independent of what has been decided by the learned single Judge may be left open. That is obviously the legal position. We clarify that if the appellant has any other legal right to relief in accordance with any other provisions of law, independent of what has been dealt with by the learned single Judge, the impugned judgment will not stand in its way. We wish to add that we have not indicated that she has any right of such nature either.

Subject to what is stated above, this writ appeal is dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(ANU SIVARAMAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG