

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

WA.No. 2245 of 2015 ()

WP(C) 21009/2015 of THIS HONOURABLE COURT

APPELLANTS/RESPONDENTS 1 AND 2 IN THE WRIT PETITION :

- 1. THE SECRETARY, CHAVAKKAD MUNICIPALITY,
CHAVAKKAD, THRISSUR.**
- 2. ASSISTANT ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT,
CHAVAKKAD MUNICIPALITY, CHAVAKKAD - 680 506.**

**BY ADVS.SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN**

RESPONDENT/PETITIONER IN THE WRIT PETITION :

**M/S.AMAX INDIA PRIVATE LIMITED
39/4844, M.G.ROAD, RAVIPURAM, KOCHI-692 016,
REPRESENTED BY THE MANAGING DIRECTOR
ARAVIND KUMAR, AGED 62 YEARS.**

**BY SMT.SUMATHY DANDAPANI SENIOR ADVOCATE
BY ADV. SRI.JOSE KURIAKOSE (VILANGATTIL)**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 28-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

bp

**ASHOK BHUSHAN, C.J. &
A.M.SHAFFIQUE, J.**

W.A.No.2245 of 2015

Dated this the 28th day of October, 2015.

J U D G M E N T

ASHOK BHUSHAN, C.J.

Heard the learned counsel for the appellants as well as Smt.Sumathi Dandapani for the respondent.

2. This writ appeal has been filed against the judgment dated 13.8.2015 in W.P.(C)No.21009 of 2015, which was allowed by this Court. The respondent herein had come up with the writ petition seeking the following reliefs :

"a) issue a writ of mandamus or other writ or order or direction directing the 1st respondent to renew the building permit from 22-11-2014 and issue completion certificate to the extent of completed portion to the petitioner.

b) issue such other writ or pass such other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case. And,

c) award the cost of the petitioner."

3. The appellants who are the respondents in the writ petition did not file any counter to the writ petition and the

learned Single Judge by judgment dated 13.8.2015 has allowed the writ petition. The learned Single Judge has noted that even after the submission of Ext.P5 application seeking renewal, no response was received from the Municipality, hence the petitioner was entitled for the relief. The learned counsel for the appellants submits that the reply was given by Exts.P7 and P8 to the writ petitioner. On a perusal of Exts.P7 and P8 reply would indicate that, that reply was in response to the application given by the petitioner under the Right to Information Act seeking certain informations. But before the said reply was given, there shall be deemed renewal according to the statutory provisions. We do not find any error in the judgment of the learned Single Judge. The learned counsel for the appellants has further contended that liberty be given to the appellants to examine and take appropriate proceedings if the construction is not in accordance with the Building Rules or the deemed permit. In fact, the Municipality is fully

empowered to ensure that the construction is in accordance with the Building Rules. Hence, no liberty is required from this Court in this proceedings. With the above observations, we close this writ appeal.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge