

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 802 of 2015 (A)

PETITIONER:

E.S.RATNAVALLY,
W/O.THANKAPPAN, TC 3/2400-1, RETNASREE,
PATTOM, MARAPPALAM, THIRUVANANTHPAURAM.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

1. THE SECRETARY,
CORPORATION OF THIRUVANANTHAPURAM,
THIRUVANANTHAPURAM-695 001.
2. THE REVENUE OFFICER,
CORPORATION OF THIRUVANANTHAPURAM,
THIRUVANANTHAPURAM-695 001

R BY SRI.P.K.MANOJKUMAR, SC, THIRUVANANTHAPURAM CORPORATION
SRI. NANDAKUMAR MENON (SR), SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1.TRUE COPY OF THE TAX RECEIPT DATED 31/7/2010.

EXT.P2.TRUE COPY OF THE TAX RECEIPT DATED 10/11/2006.

EXT.P3.TRUE COPY OF THE TAX RECEIPT DATED 23/12/2002.

EXT.P4.TRUE COPY OF THE SKETCH PREPARED BY THE TALUK SURVEYOR.

EXT.P5.TRUE COPY OF THE PROCEEDINGS DATED 19/7/2014 FROM REVENUE OFFICER, CORPORATION OF THIRUVANANTHAPURAM.

EXT.P5(A).TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P5.

EXT.P6.TRUE COPY OF THE REPRESENTATION DATED 16/7/2014.

EXT.P6(A).TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P6

EXT.P7.TRUE COPY OF PHOTOGRAPH

EXT.P8.TRUE COPY OF PHOTOGRAPH

EXT.P9.TRUE COPY OF PHOTOGRAPH

EXT.P10.TRUE COPY OF THE JUDGMENT DATED 3/10/2007 IN WPC NO.28283/07 BEFORE THE HONOURABLE HIGH COURT OF KERALA, ERNAKULAM.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 802 of 2015 A

Dated this the 19th day of January, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Senior Counsel for the respondent Corporation, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner is said to be the absolute owner in possession of a shop room bearing TC No. 25/230. According to the petitioner, since the structure became very old, she replaced the roofing, which is not to be treated as a new construction. When the petitioner sought restoration of old TC number, it was rejected, aggrieved by which the petitioner filed the present writ petition.

3. The learned counsel for the petitioner has contended that on earlier occasion, in terms of Ext.P10 judgment, the petitioner effected certain repairs way back in 2007; later,

again she has effected only superficial changes to the building by way of repair and maintenance, including the replacement of the roofing. According to the learned counsel for the petitioner, it amounts to neither demolition nor reconstruction.

4. The learned Senior Counsel for the respondent Corporation has strenuously contended that under the guise of repairs, the petitioner actually demolished the entire structure and built a new one which is, thus, unauthorised. To have the petitioner a new TC number, she ought to have obtained in the first place a proper building permit before either reconstructing or building a new structure.

5. Be that as it may, the record reveals that the petitioner submitted Ext.P6 representation, which is yet to be considered by the first respondent. It will suffice if the present writ petition is disposed of with a direction to the first respondent to consider Ext.P6 representation in accordance with law.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner

and the learned Senior Counsel for the respondent Corporation, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the first respondent to consider Ext.P6 representation of the petitioner in accordance with law, after affording an opportunity of hearing to the petitioner, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

