

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 857 of 2015 (F)

PETITIONER:

ANTONY P. JOSEPH, AGED 58 YEARS,
S/O. JOSEPH, PANAMTHOTTAM HOUSE,
KARIKKATTOOR - 688 544, MANIMALA,
KOTTAYAM DISTRICT.

BY ADVS.SRI.T.K.RADHAKRISHNAN
SMT.K.L.SREEDEVI

RESPONDENT:

KOTTAYAM MUNICIPALITY
REPRESENTED BY ITS SECRETARY,
OFFICE OF THE MUNICIPALITY,
KOTTAYAM - 686 001.

BY ADV. SRI.PHILIP J.VETTICKATTU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 857 of 2015 (F)

PETITIONER'S EXHIBITS:

EXHIBIT-P1-THE COPY OF THE BUILDING PERMIT NO. PW7/BA/382/08/09 DATED 30/03/2009.

EXHIBIT-P2-THE COPY OF RENEWAL PERMIT UPTO 29/03/2015

EXHIBIT-P3-THE COPY OF THE ELECTRICITY BILL

EXHIBIT-P4-THE COPY OF THE SANCTION ORDER FROM KERALA WATER AUTHORITY.

EXHIBIT-P5-THE COPY OF THE REMINDER LETTER DATED 01/09/2014.

EXHIBIT-P6-THE COPY OF THE ORDER PASSED BY THE RESPONDENT DATED 10/05/2011.

EXHIBIT-P7-THE COPY OF THE MEMO OF OBJECTION DATED 17/11/2014.

EXHIBIT-P8-THE COPY OF THE STATEMENT SUBMITTED BY THE PETITIONER

EXHIBIT-P9-THE ACKNOWLEDGEMENT ISSUED BY THE MUNICIPALITY

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.857 of 2015 F

Dated this the 19th day of February, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent, 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 constructed a multi-storied building on his property within the territorial limits of the respondent Municipality on the basis of the approved building plan. When the petitioner applied for numbering of the building and also for occupancy certificate with respect to the ground floor of the residential house, the authorities rejected them through Exhibit P7, citing certain objections therein. Aggrieved thereby, the petitioner has filed the present writ petition.

3. The learned Standing Counsel for the respondent Municipality has brought to my notice that subsequent to the

filing of the writ petition, the petitioner submitted Exhibit P8 explanation regarding the objections raised in Exhibit P7 memo issued by the Municipality. It is further stated that the respondent Municipality is willing to consider the petitioner's application in the light of Exhibit P8 explanation submitted by him.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel, this Court, without advertng to the merits of the matter, disposes of the writ petition with a direction to the respondent to dispose of the petitioner's application for numbering the building and occupancy certificate, keeping in view the explanation submitted by the petitioner in Exhibit P8 as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

tkv