

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 4072 of 2013 (H)

PETITIONERS : -

1. P.VAHEEDA, AGED 37 YEARS,
W/O.MARAKKAR.C.K, 'CHERIYAMPURAM HOUSE',
KANJIRAKKADAVU, OTTAPPALAM, PIN-679 101.
2. SHAHEEDA BANU, AGED 39 YEARS,
W/O.HABEEB RAHMAN,
HABEEB MANZIL', THOTTAKKARA,
OTTAPPALAM, PIN-679 102.

BY ADV.SRI.BIJU HARIHARAN

RESPONDENTS : -

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY LOCAL SELF GOVERNMENT
DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.
2. OTTAPPALAM MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
OTTAPPALAM.

R2 BY ADV.SRI.P.P.THAIJUDEEN, SC

R2 BY ADV.SMT.C.SEENA

R1 BY GOVERNMENT PLEADER SRI. JUSTIN JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1 : TRUE COPY OF THE SAID APPLICATION DATED 29.12.10
SUBMITTED BY THE PETITIONERS BEFORE THE 2nd RESPONDENT.
- EXHIBIT P2 : TRUE COPY OF LETTER SENT BY THE 1st PETITIONER, TO THE
CHAIRPERSON OF THE OTTAPPALAM MUNICIPALITY.
- EXHIBIT P3 : TRUE COPY OF THE LETTER DATED 05.03.2012 TO THE SECOND
RESPONDENT.
- EXHIBIT P4 : APPLICATION DATED 22.12.12 UNDER THE RIGHT TO
INFORMATION ACT.
- EXHIBIT P5 : TRUE COPY OF THE REPLY DATED 22.01.2013 ISSUED BY THE
INFORMATION OFFICER, OTTAPPALAM MUNICIPALITY.
- EXHIBIT P6 : COPY OF THE APPLICATION DATED 04.09.2013 SUBMITTED BY
PETITIONER TO THE PUBLIC INFORMATION OFFICER,
OTTAPPALAM MUNICIPALITY.
- EXHIBIT P7 : REPLY DATED 03.10.2013 BY THE PUBLIC INFORMATION OFFICER
OF THE 2nd RESPONDENT.

RESPONDENTS' EXHIBITS :

- EXHIBIT R2(a) : COUNCIL DECISION DATED 30.09.2006.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 4072 of 2013

Dated this the 09th day of April, 2015

JUDGMENT

Heard the learned counsel for the petitioners and the learned Government Pleader, as well as the learned Counsel for the respondent Municipality, 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. The petitioners, being the joint owners of certain property, within the territorial limits of the respondent Municipality, filed Exhibit P1 application for building permit. Ventilating their grievance that so far it has not been considered, they have filed the present writ petition.

3. The learned counsel for the respondent Municipality has submitted that the respondent Municipality does not have any objection to consider petitioners' application on

merits.

4. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioners and the learned counsel for the respondent Municipality, this Court, without adverting to the merits of the matter, disposes of the present writ petition with a direction to the respondent Municipality to consider Exhibit P1 application of the petitioner in accordance with law, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of 30 days from the date of receipt of a copy of this judgment.

With the above observation, this writ petition is disposed of.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-