

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 1563 of 2015 (U)

PETITIONER:

JAYAPRAKASH K., AGED 67 YEARS,
S/O.GOPALAN, 'SURESH VILLA', JUBILEE ROAD,
THALASSERY, KANNUR DISTRICT.

BY ADV. SRI.P.NARAYANAN

RESPONDENTS:

1. THALASSERY MUNICIPALITY,
REPRESENTED BY IT'S SECRETARY - 670 101.
2. THE SECRETARY,
THALASSERY MUNICIPALITY - 670 101.
3. THE ASST. ENGINEER,
LOCAL SELF GOVERNMENT,
THALASSERY MUNICIPALITY (NORTH SECTION) THALASSERY - 670 101.
4. THE CHIEF TOWN PLANNER,
OFFICER OF THE CHIEF TOWN PLANNER,
DEPARTMENT OF TOWN AND COUNTRY PLANNING,
KOTTARATHIL BUILDINGS, PALAYAM,
THIRUVANANTHAPURAM-695 033

R BY SRI. ABDUL RAHMAN, GOVERNMENT PLEADER
R BY SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: COPY OF THE BUILDING PLAN SUBMITTED BY THE PETITIONER.

EXHIBIT P2: COPY OF THE COMMUNICATION NO.E3/BA/139/14-15 DATED
27.12.2014 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P3: COPY OF THE JUDGMENT DATED 23.01.2013 IN W.P.1336/2013.

EXHIBIT P4: COPY OF THE JUDGMENT DATED 23.01.2007 IN WA.NO.80/2007.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 1563 of 2015 (U)

Dated this the 23rd day of January, 2015.

JUDGMENT

In the light of the ratio laid down in Exts.P3 and P4, this Court disposes of the writ petition on the same lines applying the ratio laid down in the aforesaid judgments.

Consequently, the 2nd respondent is directed to consider the petitioner's application for building permission afresh, if necessary, by referring the matter to the District Town Planner, after subjecting the land in question to physical verification, and thereafter 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.

