

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 1923 of 2015 (M)

PETITIONER(S):

**PHILIP MATHEW, AGED 57 YEARS
S/O.MATHEWS POTHEEN, NO.II, NEPTUNE COUNTY,
PANDARACHIRA ROAD, CHILAVANNOOR, KOCHI.**

**BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE CORPORATION OF COCHIN,
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE, KOCHI-682011.**
- 3. THE SECRETARY,
CORPORATION OF COCHIN,
CORPORATION OFFICE, KOCHI-682011.**

**R1 BY GOVERNMENT PLEADER SMT.SANJEETHA K.A.
R2 & 3 BY SRI.P.K.SOYUZ,SC,COCHIN CORPORATION**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 :** TRUE COPY OF THE APPLICATION FOR BUILDING PERMIT
DATED 26-11-2014.
- EXT P2 :** TRUE COPY OF THE CASE INFORMATION RECEIVED FROM
CORPORATION OF COCHIN EVIDENCING THE RECEIPT OF P1
APPLICATION.
- EXT P3 :** TRUE COPY OF THE DETAILED SCRUTINY REPORT DATED 13-11-2014.
- EXT P4 :** TRUE COPY OF THE NOTICE DATED 09-12-2014 AND ENGLISH
TRANSLATION
- EXT P5 :** TRUE COPY OF THE LETTER DATED 05-01-2015 OF THE ASSISTANT
EXECUTIVE ENGINEER OF THE 2ND RESPONDENT AND ENGLISH
TRANSLATION
- EXT P6, P6(A) TO P6(B):** TRUE COPY OF THE PHOTOGRAPHS EVIDENCING THE
NATURE AND LIE OF PETITIONER'S PROPERTY AND SURROUNDING
PROPERTIES.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 1923 of 2015

Dated this the 21st day of January, 2015

JUDGMENT

In the light of the ratio laid down in **Praveen v. Land Revenue Commissioner** [2010 (2) KLT 617], the present writ petition is also disposed of on the same lines, applying the ratio laid down by the learned Division Bench in the said decision, thereby quashing Exhibit P5.

2. Consequently, the third respondent is directed to consider the application of the petitioner for building permission afresh, if necessary, by referring the matter to the District Town Planner, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within a period of six weeks from the date of receipt of a copy of this judgment.

It is however made clear that the objections of respondent corporation concerning other issues set out in Exhibit P4 shall be complied with by the petitioner.

DAMA SESHADRI NAIDU
JUDGE

DMR/-