

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 1929 of 2015 (M)

PETITIONER:

DR.ALIKOYA, AGED 66 YEARS,
S/O. MOOSAKOYA, AHLAN, KALOOR ROAD,
MANKAVU, KOZHIKODE,
NOW RESIDING AT ZEREENE, EDAPPALLY P.O.,
KANAYANNUR, ERNAKULAM DISTRICT.

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

RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE KOZHIKODE CORPORATION,
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE,
KOZHIKODE - 673 001.
3. THE SECRETARY,
KOZHIKODE CORPORATION,
CORPORATION OFFICE,
KOZHIKODE - 673 001.

R2-R3 BY ADV. SRI.P.V.SURENDRANATH,SC,KOZHIKODE CORPORATION
R BY SRI. SANJEETHA K.A., GOVERNMENT PLEADER
R BY SRI.K.D.BABU,SC,KOZHIKODE CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 1929 of 2015 (M)

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1 : TRUE COPIES OF PHOTOGRAPHS REVEALING THE NATURE
OF PETITIONER'S PROPERTY AND NEIGHBOURING
PROPERTIES.
- EXT.P2 : TRUE COPY OF THE ORDER DATED 16.12.2014 OF THE
THIRD RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 1929 of 2015 (M)

Dated this the 20th day of January, 2015.

JUDGMENT

In the light of the ratio laid down in Praveen v. Land Revenue Commissioner (2010 (2) KLT 617), this Court disposes of the writ petition on the same lines applying the ratio laid down by the learned Division Bench in the said decision, thereby setting aside Ext.P2.

Consequently, respondents 2 and 3 are 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.

