

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C).No. 2082 of 2015 (I)

PETITIONER :

**TESSY LOUIS, AGED 52 YEARS,
W/O.DR.LOUIS P.V., WATER FRONT ENCLAVE, CHILAVANOOR,
ELAMKULAM, ERNAKULAM DISTRICT, PIN - 680 020.**

BY ADV. SRI.P.S.GEORGE

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE SECRETARY
KOCHI CORPORATION, KOCHI - 682 011.**

**R1 BY GOVERNMENT PLEADER SMT. C.K. SHERIN
R2 BY ADV. SRI.K.ANAND, SC,
BY SRI.P.K.SOYUZ,SC,**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: PHOTOGRAPH OF PETITIONER'S PROPERTY DATED NIL.
- EXT.P1(A): PHOTOGRAPH OF NORTHERN SIDE COMMERCIAL BUILDING
DATED NIL.
- EXT.P1(B): PHOTOGRAPH OF SOUTHERN SIDE COMMERCIAL BUILDING DATED
NIL.
- EXT.P1(C): PHOTOGRAPH OF EASTERN SIDE COMMERCIAL BUILDING NIL.
- EXT.P2: TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT
REGARDING BUILDING PERMIT APPLICATION DATED 01/04/2014.
- EXT.P3: TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT ON
30/12/2014.
- EXT.P3(A): ENGLISH TRANSLATION OF THE NOTICE ISSUED BY THE 2ND
RESPONDENT ON 30/12/2014.
- EXT.P4: TRUE COPY OF THE JUDGMENT IN WPC NO. 22870 OF 2014 DATED
03/09/2014.

RESPONDENT(S)' EXHIBITS

: NI.

//TRUE COPY//

P.A. TO JUDGE

bp

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 2082 of 2015

Dated this the 10th day of February, 2015

JUDGMENT

In the light of the ratio laid down in **Gopalakrishnan T.V. v. State of Kerala and others** [2011 (3) KHC 162], 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 P3.

2. Consequently, this Court directs the Secretary of the Corporation to conduct inspection of the site and if he notices more commercial buildings than residential buildings are constructed in and around the petitioner's property, then the Secretary will permit the petitioner to construct a commercial building on approval of the building plan.

The petitioner will produce a copy of the judgment before the Secretary of the Corporation for compliance. The Secretary of the Corporation is directed to conduct inspection and pass orders after issuing notice to the petitioner and based on the data collected by him. This shall be done 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**

DMR/-