

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 2242 of 2015 (E)

PETITIONERS:

1. JOSE,
S/O.PADINJEERAVEETIL UKKEN DEVASSY,
POOMANGALAM VILLAGE, EDAKULAM DESOM,
MUKUNDAPURAM TALUK.
2. SOLIN,
D/O.JOSE, POOMANGALAM VILLAGE, EDAKULAM DESOM
MUKUNDAPURAM TALUK.

BY ADV. SRI.T.N.MANOJ

RESPONDENTS:

1. IRINJALAKUDA MUNICIPALITY,
REPRESENTED BY THE SECRETARY, IRINJALAKUDA-680 121.
2. THE SECRETARY,
IRINJALAKUDA MUNICIPALITY, IRINJALAKUDA P.O.,
PIN - 680 121.

R1 & 2 BY ADV. SRI.K.K.CHANDRAN PILLAI (SR.)
R1 & 2 BY ADV. SRI.ARUN ANTONY
R BY SMT.S.AMBILY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 2242 of 2015 (E)

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P1.TRUE COPY OF THE POSSESSION CERTIFICATE.

EXT.P2.PHOTOGRAPH SHOWING THE LIE OF THE PROPERTY OF THE PETITIONER
AND THE ROADS SURROUNDINGS THE SAME.

EXT.P3.TRUE COPY OF THE RUGH STEKCH OF THE LIE OF THE PROPERTIES.

EXT.P4.TRUE COPY OF THE COMMUNICATION DATED 7/1/2015 OF THE 2ND
RESPONDENT REJECTING THE APPLICATION FOR BUILDING PERMIT.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

Rv

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 2242 of 2015 (E)

Dated this the 28th day of January, 2015.

JUDGMENT

In the light of the ratio laid down in Jafarkhan v. Kochumarakkar (2012 (1) KLT 491), this Court disposes of the writ petition on the same lines applying the ratio laid down by this Court in the said decision, thereby setting aside Ext.P4.

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.

