

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 2258 of 2015 (F)

PETITIONER:

TOMY EAPEN,
S/O.EAPEN, ANCHERIL HOUSE,
KIZHATHADIYLOOR KARA AND POST
PALA.

BY ADVS.SRI.MATHEW JOHN (K)
SRI.DOMSON J.VATTAKUZH

RESPONDENTS:

1. THE PALA MUNICIPALITY
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE,
PALA - 686 575.
2. SECRETARY
THE PALA MUNICIPALITY, MUNICIPAL OFFICE,
PALA - 686 575.

R BY SRI.V.M.KURIAN, SC, PALA MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P-1: A TRUE COPY OF THE NOTICE DATED 9.1.2015 BY THE MUNICIPAL ENGINEER.

EXT.P-2: A TRUE COPY OF THE JUDGEMENT DATED 31.7.2008 IN WPC NO.8656 OF 2008.

EXT.P-3: A TRUE COPY OF THE COMMON JUDGEMENT DATED 21.1.2013 IN WPC NOS. 28706, 28724 AND 29139 OF 2012

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 2258 of 2015 (F)

Dated this the 22nd day of January, 2015.

JUDGMENT

In the light of the ratio laid down in Exts.P2 and P3 judgments, this Court disposes of the writ petition on the same lines applying the ratio laid down by this Court in the said decisions, thereby setting aside Ext.P1.

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.

