

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 6407 of 2012 (A)

PETITIONER(S):

1. ANITA ALOYSIUS,
H.NO.X/66/J, 'PEACE GARDEN', DARSHAN NAGAR,
KAKKANAD.P.O., PIN-682 030.

2. MOHANAN NAIR,
'KAILASAM', DARSHAN NAGAR, KAKKANAD,
CSEZ.P.O., PIN-682 037.

**BY SRI.KURIAN GEORGE KANNANTHANAM,SENIOR ADVOCATE
ADVS. SRI. JIJI THOMAS PAMPACKAL
SRI.TONY GEORGE KANNANTHANAM**

RESPONDENT(S):

1. THE DISTRICT COLLECTOR,
ERNAKULAM, KAKKANAD.P.O., PIN-682 030.

2. THE REVENUE DIVISIONAL OFFICER,
FORT KOCHI-682 001.

3. THE ASSISTANT COMMISSIONER OF POLICE,
THRIKKAKARA, KAKKANAD.P.O., PIN-682 030.

4. THE MUNICIPAL CHAIRMAN,
THRIKKAKARA MUNICIPALITY, KAKKANAD.P.O., PIN-682 030.

5. THE THRIKKAKARA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, KAKKANAD.P.O.,
PIN-682 030.

6. THE CHIEF PROJECT MANAGER,
DLF SOUTHERN TOWNS PRIVATE LIMITED,
'NEW TOWN HEIGHTS, KAKKANAD, CSEZ.P.O.,
KOCHI-682 037.

7. DLF SOUTHERN TOWNS PRIVATE LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR,
LT. GENERAL M.G. GIRISH, S/O. LATE. C. GOVINDA MENON,
COMPANY EMPLOY, PDR BHAVAN, PALLIYIL LANE,
FORESHORE ROAD, KOCHI-682 016.

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8. M/S. HESTIA REALTORS PRIVATE LIMITED,
REPRESENTED BY ITS DIRECTOR, LT. M.G. GIRISH,
S/O. LATE. C. GOVINDA MENON, COMPANY EMPLOYEE,
RESIDING AT A-III, RIVIERA RETREAT, THEVARA,
KOCHI-682 013.
9. M/S. AMON ESTATES PRIVATE LIMITED,
REPRESENTED BY ITS DIRECTOR, LT. GENERAL M.G. GIRISH.,
S/O. LATE. C. GOVINDA MENON, COMPANY EMPLOY,
RESIDING AT JOMER SREENILAYAM, PALIYAM ROAD,
KOCHI-682 016.
10. M/S. CALISTA REAL ESTATES PRIVATE LIMITED,
REPRESENTED BY ITS DIRECTOR, SRI. A. BALASUBRAMANIAN,
S/O. ARUKUTTY, FLAT IA, BLOCK-II,
BAJAJ APPARTMENT, 4/18, NANADANAM,
5TH EXTENTION, NANDANNAM, CHENNAI-600 035.

R1 TO R3 BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN
R5 BY ADV. SRI.S.SHANAVAS KHAN
R6 TO R10 BY SRI.E.K.NANDAKUMAR,SENIOR ADVOCATE
SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
ADVOCATE COMMISSIONER SRI.MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-06-2015, ALONG WITH WPC.NO. 7308 OF 2012, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S) EXHIBITS

- P1: COPY OF THE PETITION DATED 13.1.11 GIVEN TO THE DIST. COLLECTOR.**
- P2: COPY OF THE PETITION DATED 26.1.11 GIVEN TO MUNICIPAL CHAIRMAN.**
- P3: COPY OF THE MASS PETITION DATED 19.11.11 GIVEN TO CHIEF MINISTER.**
- P4: COPY OF THE SUPPLEMENTARY PETITION DATED 5.2.12 GIVEN TO RDO.**
- P5: COPY OF THE PHOTOGRAPHS (F1 TO F12).**
- P6: COPY OF THE BUILDING PERMIT DATED 07.10.08.**
- P7: COPY OF THE COMMUNICATION DATED 26.11.08 OF EXE. ENGINEER.**
- P8: COPY OF THE SITE PLAN.**
- P9: COPY OF THE REPRESENTATION DATED 22.2.12 GIVEN TO 5TH RESPONDENT.**
- P10: COPY OF THE PRELIMINARY ORDER DATED 24.6.10 OF RDO IN M.C.162/10 D**
- P11: COPY OF THE MEMO. OF UNDERSTANDING DATED 7.9.10.**
- P12: COPY OF THE REPORT DATED 24.8.10 OF THE VILLAGE OFFICER.**
- P13: COPY OF THE LOCATION SKETCH PRODUCED IN W.P.19138/10.**
- P14: COPY OF THE REPORT DATED 20.12.11 OF THE VILLAGE OFFICER.**
- P15: COPY OF THE SKETCH BY RESPONDENTS 6 TO 10 PROPOSING DEVIATION.**
- P16: COPY OF THE REPORT DATED 31.1.2012 OF THE 2ND PETITIONER TO RDO.**
- P17: COPY OF THE OBJECTION DATED 28.1.2012 AGAINST THE PROPOSAL.**
- P18: COPY OF THE OFFICE PROCEEDINGS OF THE RDO.**
- P19: COPY OF THE PETITION DATED 22.2.2012 FOR MODIFICATION OF THE ORDER.**
- P20: COPY OF THE PETITION DATED 9.3.2012 GIVEN TO RDO.**
- P21: COPY OF THE COMPLAINT DATED 9.3.12 GIVEN TO 3RD RESPONDENT.**
- P22: COPY OF THE APPLICATION FOR LOCAL INSPECTION DATED 19/4/12**
- P23: COPY OF THE SKETCH SHOWING THE PURAMBOKE THODU IN SY.NO.375/1/11**
- P24: COPY OF THE SKETCH SHOWING THE PURAMBOKE THODU IN SY.NO.377/1**

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- P25: COPY OF THE SKETCH SHOWING THE PURAMBOKE THODU IN SY.NO.378/3
- P26: COPY OF THE REPORT OF THE VILLAGE OFFICER, KAKKANAD, DATED 18/4/2012
- P27: COPY OF THE NOTICE DATED NIL ISSUED BY THE 2ND RESPONDENT
- P28: COPY OF THE HEARING NOTE DATED 24/4/12 FILED BY THE 1ST PETITIONER
- P29: COPY OF THE HEARING NOTE DATED 24/4/12 FILED BY THE 2ND PETITIONER
- P30: COPY OF THE REPORT DATED 27/4/12 FILED BEFORE THE 2ND RESPONDENT
- P31: COPY OF THE NOTICE DATED 14/5/12 ISSUED BY THE 2ND RESPONDENT
- P32: COPY OF THE CONTEMPT NOTICE DATED 23/5/12 ISSUED TO THE 2ND RESPONDENT
- P33: COPY OF THE ORDER DATED 25/5/12 ISSUED BY THE 2ND RESPONDENT
- P34: COPY OF THE PLEADING IN THE OBJECTION DATED 23/4/12 FIELD BY THE RESPONDENTS BEFORE THE 2ND RESPONDENT (WITHOUT ANNEXURES)
- (IA.NO.498/2013) P34: COPY OF THE COMPUTER PRINT PHOTOGRAPHS (F1,F2)
- P35: COPY OF THE STATEMENT DATED 13/7/12 FILED BY THE 1ST RESPONDENT IN CONT.CASE 694/12
- (IA.NO.498/2013) P35: COPY OF THE COMPUTER PRINT PHOTOGRAPHS (F3,F4)
- P36: COPY OF THE REPLY STATEMENT DATED 31/7/12 TO EXT.P35
- (IA.NO.498/2013) P36: COPY OF THE COMPUTER PRINT PHOTOGRAPHS (F5,F6)
- P37: COPY OF THE REPRESENTATION DATED 1/3/2013
- P38: COPY OF THE COMPUTER PRINT PHOTOGRAPHS SHOWING THE GROUND PILING OPERATIONS
- P39: COPY OF THE COMPUTER PRINT PHOTOGRAPHS SHOWING THE IRON BARS FIXED FOR CONCRETE PILLARS
- P40: COPY OF THE LETTER OF INFORMATION DATED 6/11/13 GIVEN UNDER THE RTI ACT BY THE 5TH RESPONDENT

RESPONDENTS' EXHIBITS

- R6(A): COPY OF THE BUILDING PERMIT ISSUED BY THE THRIKKAKARA GRAMA PANCHAYATH IN THE NAME OF THE DLF SOUTHERN TOWNS PRIVATE LIMITED FOR PUTTING UP MULTI-STORIED RESIDENTIAL APARTMENT COMPLEX DATED 7/10/2008

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- R6(B): COPY OF THE APPROVED SITE PLAN DATED 24/9/2008 BASED ON EXHIBIT R6 (A) PERMIT**
- R6(C): COPY OF THE CERTIFICATE DATED 10/01/2009 ISSUED BY FIRE AND RESCUE SERVICES**
- R6(D): COPY OF THE CONSENT TO ESTABLISH DATED 2/4/2009 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD**
- R6(E): COPY OF THE AVIATION CLEARANCE FROM AIRPORT AUTHORITY OF INDIA DATED 26/3/2009**
- R6(F): COPY OF THE CLEARANCE BEARING NO.21-365/2008-IA.III DATED 31/8/2009 ISSUED BY THE MINISTRY OF ENVIRONMENT AND FOREST.**
- R6(G): COPY OF THE ORDER DATED 25/05/2012 PASSED BY THE REVENUE DIVISIONAL OFFICER**
- R6(H): COPY OF THE RE SURVEY SKETCH (SY.NO.378) MAINTAINED IN FIELD MAINTENANCE BOOK AS OBTAINED FROM THE VILLAGE OFFICE WITH RESPECT TO THE PURAMBOKE THODU**
- R6(I): COPY OF THE RE SURVEY SKETCH (SY.NO.375) MAINTAINED IN FIELD MAINTENANCE BOOK AS OBTAINED FROM THE VILLAGE OFFICE WITH RESPECT TO THE PURAMBOKE THODU**
- R6(J): COPY OF THE RE SURVEY SKETCH (SY.NO.377) MAINTAINED IN FIELD MAINTENANCE BOOK AS OBTAINED FROM THE VILLAGE OFFICE WITH RESPECT TO THE PURAMBOKE THODU**
- R6(K): COPY OF THE SKETCH MAINTAINED IN FIELD MAINTENANCE BOOK (FMB) AS OBTAINED FROM THE VILLAGE OFFICE WITH RESPECT TO THIS SURVEY NUMBER 369**
- R6(L): COPY OF THE 'NO OBJECTION CERTIFICATE DATED 26/11/2008 ISSUED BY IRRIGATION DEPARTMENT**
- R6(M): COPY OF THE COMMUNICATION NOTB(1) 1122/97/LDIS. DATED 13/10/1997 ISSUED BY THE PRINCIPAL AGRICULTURE OFFICER, KOCHI-30 TO THE REVENUE DIVISIONAL OFFICER, FORT KOCHI**
- R6(N): COPY OF THE COMMUNICATION NO.A.5-505/98 DATED 13/01/1998 ISSUED BY THE ISSUED TAHSILDAR, KANAYANNUR TALUK TO THE ASST. COLLECTOR, FORT KOCHI**
- R6(O): COPY OF THE ORDER NO.K.DIS.458/98/K DATED 13/2/98 PASSED BY THE ASST. COLLECTOR, FORT KOCHI**
- R6(P): COPY OF THE DRAFT DATA BANK DATED 15/12/2010 CORRESPONDING TO THE LANDS PURCHASED BY THE RESPONDENTS**
- R6(Q): COPY OF THE TEST REPORT NO.CTH/LR/11-12-0415 DATED 3/1/2012 FROM THE COCHIN TEST HOUSE**

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R6(R): COPY OF THE MINUTES DATED 31/1/2012 (WITHOUT ENCLOSURES) OF THE DARSHAN NAGAR RESIDENTS ASSOCIATION BY A MAJORITY OF THE MEMBERS IN THEIR GENERAL BODY MEETING

R6(S): COPY OF THE REPORT DATED 13/8/2012 SENT BY THE REVENUE DIVISIONAL OFFICER, FORT KOCHI TO THE LAND REVENUE COMMISSIONER

/TRUE COPY/

P.A.TO JUDGE

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K. VINOD CHANDRAN, J.

W.P(C). Nos.6407 & 7308 of 2012

Dated this the 10th day of June, 2015.

JUDGMENT

The writ petitions are disposed of on the basis of the settlement arrived at between the parties and which is produced in WP(C) No.6407 of 2012 by a Memo.

The settlement between the parties shall form part of the judgment.

Both the writ petitions are disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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