

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No.3570 of 2015 (U)

PETITIONER:

**M.A.JOSE,S/O.ANTONY,AGED 77 YEARS,
MELEPARAM HOUSE,POTTA P.O.,CHALAKUDY.**

**BY SRI.RENJITH THAMPAN (SENIOR ADVOCATE.)
ADV.SMT.P.R.REENA**

RESPONDENTS:

- 1. CHALAKUDY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
MUNICIPAL OFFICE,CHALAKUDY,
THRISSUR DISTRICT,PIN - 680 307.**
- 2. SECRETARY,CHALAKUDY MUNICIPALITY,
MUNICIPAL OFFICE,CHALAKUDY,
THRISSUR DISTRICT,PIN - 680 307.**
- 3. ASSISTANT EXECUTIVE ENGINEER,
CHALAKUDY MUNICIPALITY,
MUNICIPAL OFFICE,CHALAKUDY,
THRISSUR DISTRICT,PIN - 680 307.**

**R1-R3 BY SRI.SHEEJO CHACKO, SC, CHALAKUDY MUNICIPALITY
BY SRI.M.PASHOK KUMAR,S.C,**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No.3570 of 2015 (U)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1:PHOTOGRAPH SHOWING THE PROPERTY OF THE PETITIONER.

**EXHIBIT P2:TRUE COPY OF THE BASIC TAX RECEIPT OF PETITIONER'S
PROPERTY DATED 04.07.2014 ALONG WITH ENGLISH TRANSLATION.**

**EXHIBIT P3:TRUE COPY OF THE INTIMATION DATED 19.01.2015 ISSUED BY THE
3RD RESPONDENT TO THE PETITIONER ALONG WITH ENGLISH
TRANSLATION.**

EXHIBIT P4:TRUE COPY OF THE DECISION REPORTED IN 2012(3) KHC 489.

EXHIBIT P5:TRUE COPY OF THE DECISION REPORTED IN 2012(1) KHC 523.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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DAMA SESHADRI NAIDU, J.

W.P.(c) No. 3570 of 2015

Dated this the 19th day of February, 2015

JUDGMENT

In the light of the ratio laid down in **Jafarkhan v. K.A. Kochumakkar and Others** [2012 (1) KHC 523], 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.

Consequently, the second respondent is directed to consider the application of the petitioner for building permission afresh, if necessary, by referring the matter to the District Town Planner, and thereafter pass appropriate orders thereon, 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/-