

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 3648 of 2015 (E)

PETITIONER(S):

**PURNIMA V. DESAI, AGED 57 YEARS
W/O.V.R.DESAI, 31/1772Q, DD VILLAGE
MAY 1ST ROAD, THAMMANAM, ERNAKULAM.**

BY ADV. SRI.GOKUL DAS V.V.H.

RESPONDENTS:-:

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE THRIKKAKARA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, THRIKKAKARA - 682 030
ERNAKULAM.**
- 3. THE SECRETARY,
THRIKKAKARA MUNICIPALITY, THRIKKAKARA - 682 030
ERNAKULAM.**

**R1 BY GOVERNMENT PLEADER SMT.C.K.SHERIN
R2,3 BY SRI.S.SHANAVAS KHAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE SALE DEED NO.2400/2014 DATED 16.07.2014 OF SRO, THRIKKAKARA.**
- EXHIBIT P2. TRUE COPY OF THE POSSESSION CERTIFICATE DATED 01.09.2014 ISSUED BY THE VILLAGE OFFICER, KAKKANAD.**
- EXHIBIT P3. TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.**
- EXHIBIT P4. TRUE COPY OF THE PHOTOGRAPHS OF THE PETITIONER'S PROPERTY.**
- EXHIBIT P5 TO 5(B). TRUE COPIES OF PHOTOGRAPHS OF SURROUDING AREAS OF THE PETITIONER'S PROPERTY.**
- EXHIBIT P6. TRUE COPY OF THE NOTICE DATED 05.11.2014 ISSUED BY THE 3RD RESPONDENT.**
- EXHIBIT P7. TRUE COPY OF THE JUDGMENT DATED 21.10.2014 IN W.P.(C)NO.25371 OF 2014 OF THIS HON'BLE COURT.**
- EXHIBIT P8. TRUE COPY OF THE JUDGMENT DATED 24.11.2014 IN W.P.(C)NO.28985 OF 2014 OF THIS HON'BLE COURT.**
- EXHIBIT P9. TRUE COPY OF THE JUDGMENT DATED 30.10.2014 IN W.P.(C)NO.12868 OF 2014 OF THIS HON'BLE COURT.**
- EXHIBIT P10. TRUE COPY OF THE JUDGMENT DATED 22.09.2014 IN W.P.(C)NO.22153 OF 2014 OF THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 3648 of 2015

Dated this the 05th day of February, 2015

JUDGMENT

In the light of the ratio laid down in **Raju S. Jethmalani and Others v. State of Maharashtra and others** [2005 (11) SCC 222], 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 and thereby quashing Exhibit P6.

Consequently, the third 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 six weeks from the date of receipt of a copy of this judgment.

DAMA SESHADRI NAIDU
JUDGE

DMR/-