

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 4255 of 2015 (F)

PETITIONER:

ANU P.RAJAN, ZAZHARIAH COTTAGE,
MOONNALAM, ADOOR, PATHANAMTHITTA.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENTS:

1. ADOOR, MUNICIPALITY
MUNICIPAL OFFICE, ADOOR,
REP BY ITS SECRETARY-691 523.
2. SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
3. DISTRICT TOWN PLANNER,
OFFICE OF THE DISTRICT TOWN PLANNER,
PATHANAMTHITTA-689 645.

R1 BY ADV. SRI.V.M.SYAM KUMAR
R2 & R3 BY GOVT. PLEADERSMT.K.A.SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 4255 of 2015 (F)

PETITIONER'S EXHIBITS:

EXT. P1:-A COPY OF THE NOTICE DATED 1/3/2013 BEARING B.A 411/12-13
ISSUED BY THE FIRST RESPONDENT

EXT.P1A:- ENGLISH TRANSLATION OF EXT. P1

EXT. P2:-A TRUE COPY OF THE REPRESENTATION DATED 18/4/2013
SUBMITTED BY THE PETITIOER BEFORE THE 2ND RESPONDENT

EXT.P2A:- ENGLISH TRANSLATION OF EXT. P2

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.4255 of 2015 F

Dated this the 19th day of March, 2015

JUDGMENT

Heard the learned counsel for the petitioner, the learned Standing Counsel for the first respondent and the learned Government Pleader for respondents 2 and 3, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner having constructed a building, evidently without prior permission, applied to the first respondent Municipality for occupancy certificate. Through Exhibit P1 the respondent Municipality insisted on the petitioner's producing the layout approval from the third respondent. Under these circumstances, the petitioner submitted Exhibit P2 representation on 18.04.2013 before the second respondent. Complaining of non-disposal of the

said representation by the second respondent, the petitioner has filed the present writ petition.

3. The first respondent Municipality filed its counter affidavit and contested the case.

4. The learned counsel for the petitioner has, however, pleaded that without adjudicating the issue on merits, this Court may dispose of the writ petition with a direction to the second respondent to consider Exhibit P2, apart from issuing another direction to the first respondent to consider regularisation based on the application to be filed by the petitioner. In justification of the said submission that the respondent Municipality has to consider the petitioner's application yet to be filed, the learned counsel for the petitioner would contend that the respondent Municipality itself has gone on record in its counter affidavit that if the petitioner files an application for regularisation, it will be considered in accordance with law.

5. Be that as it may, as has already been pleaded by the learned counsel for the petitioner, this Court is not inclined to adjudicate the issue on merits.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner, the learned Standing Counsel and the learned Government Pleader, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the second respondent to consider Exhibit P2 representation of the petitioner, in accordance with law and pass appropriate orders thereon, as expeditiously as possible. Further, if the petitioner files any application for regularisation, needless to observe, the respondent Municipality may consider that in accordance with law.

Dama Seshadri Naidu, Judge

tkv