

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 4379 of 2015 (V)

PETITIONER(S):

DR.S.MANGALANANDAN, AGED 48 YEARS
ASHADEEPAM, MUNDAKKAL POST.

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

RESPONDENT(S):

1. THE KOTTAYAM MUNICIPALITY
MUNICIPAL OFFICE, KOTTAYAM
REPRESENTED BY THE SECRETARY - 686 001
2. THE SECRETARY
THE KOTTAYAM MUNICIPALITY, MUNICIPAL OFFICE, KOTTAYAM- 686 001
3. THE ASSISTANT ENGINEER
KUMARANALLOOR ZONAL OFFICE
KOTTAYAM MUNICIPALITY KOTTAYAM - 686 001

R1-R2 BY ADV. SRI.PHILIP J.VETTICKATTU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-10-2015, ALONG WITH WPC. 4391/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

WP(C).No. 4379 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1- A TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE 1ST RESPONDENT
DATED 12-7-2013 AND ENGLISH TRANSLATION.

EXT.P2- A TRUE COPY OF THE SITE PLAN APPENDED TO EXT.P1

EXT.P3 - PHOTOGRAPHS SHOWING THE RESIDENTIAL HOUSE OF THE PETITIONER

EXT.P4 - A TRUE COPY OF THE STOP MEMO ISSUED BY THE 3RD RESPONDENT
DATED 21-1-2014 AND ENGLISH TRANSLATION.

EXT.P5 - A TRUE COPY OF THE SKETCH SHOWING THE PLOT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) Nos.4379 & 4391 of 2015

Dated this the 15th day of October, 2015

J U D G M E N T

Ext.P4 stop memo issued by the third respondent is impugned. The petitioners are free to file an objection thereto within two weeks. Any such objection filed shall be dealt with by the second respondent. The petitioners as well as the third respondent shall be heard in the exercise. Final orders shall be passed within a period of one month therefrom.

2. The petitioners rely on Heera Constructions (P) Ltd. v. Corporation of Trivandrum [2008 (3) KLT 553]. The respondents contend that there is a deviation even from the existing plan. All these are matters to be considered by the second respondent at the time of hearing. The status quo as on today shall continue till orders are passed as directed above.

The Writ Petitions are disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj/15.10.15