

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 8230 of 2012 (C)

PETITIONER :

**MOHAMMED IQBAL, AGED 59 YEARS,
S/O PAKRUDIN RAWTHER, MULLASSERY HOUSE,
PERUNNA P.O., I.C.O JUNCTION, CHANGANASSERY**

BY ADV. SRI.ESM.KABEER

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR, KOTTAYAM- 686001**
- 2. THE PASTER -IN - CHARGE,
THE PANTECOSTAL MISSION, CHANGANASSERY-686101**
- 3. THE CHANGANASSERY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MUNICIPALM OFFICE
CHANGANASSERYN - 686101**
- 4. P.S. ABRAHAM,
PEEDIYAKKAL HOUSE, I.E. NAGAR, CHANGANASSERY-686101**

R1 BY GOVERNMENT PLEADERSRI. RAFEEK V.K.

R2 & R4 BY ADV. SRI.V.K.SUNIL

R3 BY ADVS. SRI.M.PASHOK KUMAR

SRI.S.A.ABDUL SALEEM

SRI.M.R.DHANIL

SRI.S.NANDAGOPAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S) EXHIBITS :

- EXT. P1 TRUE COPY OF THE PERMIT OBTAINED BY THE 2ND RESPONDENT
DATED 11-07-2008
- EXT. P2 TRUE COPY OF THE JUDGMENT IN WRIT PETITION NO 11051/2010
DATED 07-06-2010
- EXT. P3 TRUE COPY OF THE SETTLEMENT SUBMITTED BEFORE THIS
HON'BLE COURT DATED
- EXT. P4 TRUE COPY OF THE ORDER OF THE SUB DIVISIONAL MAGISTRATE
DATED 15-06-2010
- EXT. P5 TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER
BEFORE THE 3RD RESPONDENT DATED 08-03-2012

RESPONDENTS' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 8230 of 2012

Dated this the 11th day of March, 2015

J U D G M E N T

The petitioner has approached this Court alleging that respondents 2 and 4 are trying to construct a prayer hall in the first floor of the building, where the aforesaid respondents offer prayer, without obtaining permission from the District Collector and without obtaining permission from the local authorities. The petitioner points out that as per Ext.P3 dated 07.06.2010, the petitioner and the 4th respondent entered into a settlement to the effect that the 4th respondent would not start construction of first floor and would not cause nuisance during prayer time. The petitioner alleges that now, respondents 2 and 4, without following the procedures, have taken steps to start the construction of the first floor, for which no consent was obtained from the neighbours.

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2. Today, when the matter came up for hearing, the learned counsel for the respondent municipality submitted that the municipality has not given any permission to the party respondents for the construction of the prayer hall as alleged in the writ petition.

Recording the submission, the writ petition is disposed of directing that respondents 2 and 4 shall not construct a prayer hall without obtaining permission as per law from the authorities concerned.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-