

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

W.P.(C).No.7466 of 2011 (G)

PETITIONER(S):

A.M.SHAJAHAN, S/O. K.A.MUHAMMED,
AGED 43 YEARS, RESIDING AT ANJIKATTU HOUSE,
KAIPPADA MUGHAL, VADACODE P.O., PIN-682 021.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT(S):-

1. THE KALAMASSERY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, CHANGAMPUZHA NAGAR P.O.,
KALAMASSERY, pin - 682 023.
2. THE CHIEF TOWN PLANNER,
OFFICE OF THE CHIEF TOWN PLANNER,
THIRUVANANTHAPURAM, PIN - 695 001.
3. THE COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY,
REPRESENTED BY ITS REGISTRAR,
KOCHI UNIVERSITY P.O., KOCHI-682 022.

R1 BY STANDING COUNSEL SRI.M.K.ABOOBACKER
R2 BY GOVERNMENT PLEADER SMT.M.J.RAJASREE.
R3 BY STANDING COUNSEL SRI.MILLU DANDAPANI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE MALAYALA MANORAMA DAILY DT.21.1.2011.
- EXT.P2(a) TRUE COPY OF THE REQUEST OF THE LOCAL WARD COUNCILOR
 OF THE 1ST RESPONDENT MUNICIPALITY A.D.JOSE UNDER
 RIGHT TO INFORMATION ACT, TO THE 3RD RESPONDENT
 DTD.23.12.10.
- EXT.P2(b) TRUE COPY OF THE ANSWER GIVEN BY THE 3RD RESPONDENT
 WITH REGARD TO THE DETAILS OF THE BUILDINGS.
- EXT.P3 TRUE COPY OF THE INFORMATION FURNISHED BY THE
 1ST RESPONDENT WITH REGARD TO THE ILLEGAL
 CONSTRUCTION.
- EXT.P4 TRUE COPY OF THE PROCEEDINGS INITIATED BY THE
 1ST RESPONDENT.
- EXT.P5 TRUE COPY OF THE LETTER DATED 31.1.2011 ISSUED BY THE
 2ND RESPONDENT TO THE REGISTRAR, COCHIN UNIVERSITY
 OF SCIENCE & TECHNOLOGY.

RESPONDENT'S EXHIBITS:-

NIL.

Vku/

[true copy]

K. Vinod Chandran, J

W.P.(C).No.7466 of 2011-G

Dated this the 19th day of October, 2015

JUDGMENT

The petitioner, a resident of the locality, by this writ petition projected a public cause insofar as the University having carried on various constructions without the sanction of the Town Planner. The learned counsel for the Local Self Government Institution also submits that the University had been before the Chief Town Planner and that the University had, anticipating sanction, carried on the construction.

2. In any event, the issue is something which has to be looked into by the Local Self Government Institution, the 1st respondent. The learned Standing Counsel for the 1st respondent submits that the issue will have to be gone into by the Municipality, looking into the permits granted and the construction made. If such a request is made by the petitioner before the Municipality, definitely such instances could be

looked into by the Municipality in accordance with law. However, there is no reason why this writ petition to be kept pending before this Court.

The writ petition would stand closed, leaving open all contentions.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]