

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 4528 of 2015 (M)

PETITIONER:

MR.AHAMADHUL KHABEER
(THROUGH POWER OF ATTORNEY HOLDER
SAGEER), S/O.ABDUL AZEES HAJI,
PERUNTHARA HOUSE, MATHILAKAM P.O.

BY ADVS.SRI.T.R.RAJAN
SMT.O.H.NAZEEBA

RESPONDENTS:

1. THE MATHILAKAM GRAMA PANCHAYAT
MATHILAKAM P.O., ERNAKULAM DISTRICT
REPRESENTED BY ITS SECRETARY-682 001.
2. THE SECRETARY, MATHILAKAM GRAMA
PANCHAYAT, MATHILAKAM P.O.,
ERNAKULAM DISTRICT-682 001.

R1-R2 BY ADV. SRI.C.A.CHACKO

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 4528 of 2015 (M)

PETITIONER'S EXHIBITS:

EXT. P1 : TRUE COPY OF THE COMPLETION CERTIFICATE DATED 11-8-14
SUBMITTED BY THE CONSULTING ENGINEER TO THE SECOND
RESPONDENT

EXT. P2 : TRUE COPY OF THE COMPLETION CERTIFICATE DATED NIL
SUBMITTED BY THE PETITIONER TO THE SECOND RESPONDENT

EXT. P3 : TRUE COPY OF THE PETITION DATED 3-2-15 SUBMITTED BY THE
PETITIONER BEFORE THE SECOND RESPONDENT

EXT. P4 : TRUE COPY OF THE RECEIPT DATED 4-2-15 ISSUED BY THE
SECOND RESPONDENT

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.4528 of 2015 M

Dated this the 1st day of April, 2015

JUDGMENT

The petitioner, having constructed a building, submitted Exhibit P1 completion certificate on 11.08.2014 and sought occupancy certificate. The request of the petitioner for occupancy certificate was not considered on the ground that there was a deviation from the sanctioned plan.

2. The petitioner, having submitted Exhibit P3 application, after rectifying the shortcomings pointed out by the second respondent, has approached this Court questioning the delay in the respondents taking an appropriate decision on Exhibit P3.

3. The learned counsel for the petitioner has submitted that when the second respondent pointed out certain deviations as a hindrance for considering the

petitioner's application for occupancy certificate, the petitioner did rectify all those shortcomings and eventually submit Exhibit P3 application for occupancy certificate. According to her, there is no further impediment for the second respondent to consider it in accordance with law.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel, this Court, without adverting to the merits of the matter, disposes of the writ petition with a direction to the second respondent to consider Exhibit P3 application of the petitioner in accordance with law and 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

tkv