

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C).No. 4723 of 2015 (M)

PETITIONER:

LAYONI,
W/O.KEETTIKKAL SEBASTIAN, ALAPADAN HOUSE, CHALAKUDY.

BY ADV. SRI.K.B.GANGESH

RESPONDENT:

CHALAKUDY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, CHALAKUDY.

R1 BY ADV. SRI.SHEEJO CHACKO, SC, CHALAKUDY MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 TRUE COPY OF THE BUILDING PERMIT NO.BA/482/06-07 DATED
28.03.2007.

EXT.P2 TRUE COPY OF THE BUILDING PERMIT NO.BA/482/06-07 DATED
05.05.2010.

EXT.P3 TRUE COPY OF THE PROCEEDING OF THE RESPONDENT DATED
19.04.2013.

EXT.P3(a) TRUE ENGLISH TRANSLATION OF EXT.P3.

EXT.P4 TRUE COPY OF THE ORDER DATED 21.05.2013 ISSUED BY THE
RESPONDENT MUNICIPALITY.

EXT.P4(a) TRUE ENGLISH TRANSLATION OF EXT.P4.

EXT.P5 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WP(C)
17973/2013 DATED 04.08.2014.

EXT.P6 TRUE COPY OF THE ORDER PASSED BY THE RESPONDENT MUNICIPALITY
ON 06.02.2015.

EXT.P6(a) TRUE ENGLISH TRANSLATION OF EXT.P6.

EXT.P7 PHOTOGRAPHS OF THE PETITIONER'S BUILDING AND LOCALITY.

RESPONDENTS' EXHIBITS:-

EXHIBIT R1(a): TRUE COPY OF THE JUDGMENT REPORTED IN 2005(4) KLT 1027

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 4723 of 2015 (M)

Dated this the 13th day of March, 2015.

JUDGMENT

In the light of the ratio laid down in P.K. Nazar v. Malappuram Municipality (2009 (3) KLT 92), this Court disposes of the writ petition on the same lines applying the ratio laid down by this Court in the said decision, thereby setting aside Ext.P6.

Consequently, the respondent is directed to consider the petitioner's application for building permission afresh, if necessary, by referring the matter to the District Town Planner, after subjecting the land in question to physical verification, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

