

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(C).No. 4869 of 2015 (G)

PETITIONER:

**REETHA, AGED 39 YEARS,
S/O.PRAKASHAN, MARADAKKATH HOUSE,
PANNIYANKARA, KOZHIKODE.**

**BY SRI.RENJITH THAMPAN, SENIOR ADVOCATE.
ADV. SMT.P.R.REENA.**

RESPONDENT(S)/RESPONDENTS:

- 1. KOZHIKODE CORPORATION,
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE,
KOZHIKODE, PIN-673 020.**
- 2. THE COASTAL ZONE MANAGEMENT AUTHORITY,
SASTRA BHAVAN, OPP. TO VYDYUTHI BHAVANAM,
THIRUVANANTHAPURAM, PIN-695 004.**

**R1 BY ADVS. SRI.P.V.SURENDRANATH, SC,
SRI.K.D.BABU, SC.
R2 BY ADV. SRI.PRAKASH C.VADAKKAN. J., SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

P1: TRUE COPY OF THE LAND TAX RECEIPT DATED 21/11/2014 ISSUED BY THE VILLAGE OFFICER, KOTTOOLY.

P2: PHOTOGRAPH SHOWING THE PETITIONER'S PROPERTY.

P2(A): PHOTOGRAPH SHOWING THE PETITIONER'S PROPERTY.

P3: TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER, KOTTOOLY DATED 24/04/2013 ALONG WITH ENGLISH TRANSLATION.

P4: TRUE COPY OF REPRESENTATION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 05/01/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 4869 of 2015

Dated this the 7th day of August, 2015

J U D G M E N T

The petitioner is the owner in possession of a total extent of 18.54 ares of land in Re.Sy.No.10, Sub Division 5/B1, A2, A1 of Kottooly Village, which, she along with her children, obtained as per registered sale deed dated 30.01.2011. The property is within the local limits of the respondent corporation. The said property is bounded by PWD Road, paddy field, garden land. According to her, there is no coastal area near her property and the property is cultivated with coconut trees, arecanut trees etc. As the petitioner has intended to construct a multi storied special residential building in the aforesaid property, she approached the respondent corporation. There, she was told that her property is included in the coastal regulation notification. According to her, it is totally illegal; and the prohibition of construction of

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development of land is limited to a distance of 100 meters from the coastal regulation zone. She points out that the said land does not come within 100 meter from the high tide level and there is no sea or backwater anywhere near the property. Her grievance is that because of the stand taken by the 2nd respondent that the petitioner's land is also included in the coastal regulation zone, she is not in a position to get building permit from the 1st respondent corporation. Hence, this writ petition.

2. Heard the learned counsel for the petitioner, the learned Standing Counsel for the respondent corporation and the learned Standing Counsel for the 2nd respondent.

3. Though the learned counsel for the petitioner confined his argument to the limited prayer for a consideration of Ext.P4 within a time frame, the learned Standing Counsel for the 2nd respondent submitted that they have not received Ext.P4 till date.

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In view of the rival submissions, this writ petition is disposed of permitting the petitioner to forward a copy of Ext.P4 representation along with a copy of this judgment before the 2nd respondent within a period of two weeks from the date of receipt of a copy of this judgment. In the event of forwarding a copy of Ext.P4, the same shall be considered by the 2nd respondent after affording the petitioner an opportunity of being heard within a period of one month thereafter.

A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-