

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 7619 of 2013 (B)

PETITIONER(S):

**SANAL KUMAR P.S, S/O.SUKUMARAN,
HARI NIVAS, PEREPARAMBU,
P.J.ANTONY ROAD, PALARIVATTOM P.O.,
KOCHI - 682 025.**

**BY ADVS.SRI.LEGY ABRAHAM
ROY THOMAS**

RESPONDENT(S):

- 1. KOCHI CORPORATION,
CORPORATION OFFICE, PARK AVENUE,
ERNAKULAM, KOCHI - 682 011,
REPRESENTED BY THE SECRETARY.**
- 2. THE ASSISTANT EXECUTIVE ENGINEER,
KOCHI CORPORATION, ZONAL OFFICE,
EDAPPALLY, KOCHI - 682 024.**
- 3. P.A.SARATH, S/O.ARAVINDAKSHAN,
PULLONPARAMBU, P.J.ANTONY ROAD,
PALARIVATTOM P.O., KOCHI - 682 025.**

**R1 & R2 BY SRI.V.E.ABDUL GAFOOR,SC
R3 BY ADVS. SMT.T.S.MAYA (THIYADIL)
SRI.K.RAJEEV (THIYADIL)**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

**EXT.P-1 TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT DATED 7.1.2013.**

**EXT.P-2 TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER
BEFORE THE S.I. OF POLICE, PALARIVATTOM, DATED 29.1.2013.**

**EXT.P-3 TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 29.1.2013.**

**EXT.P4 TRUE COPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT
DATED 29.1.2013.**

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 7619 of 2013

Dated this the 23rd day of March, 2015

J U D G M E N T

Alleging inaction on the part of the 1st respondent in taking action on Ext.P3 complaint, the petitioner has come up before this Court.

2. The petitioner is having 8.600 cents of land and residential building in Sy.No.137/16/3 in Edappally South Village within the local limits of the respondent corporation. The petitioner alleges that the 3rd respondent is constructing a three storied building on the western side of the petitioner's property violating the norms prescribed by the Municipal Building Rules and Regulations without the consent of the petitioner and without leaving the space prescribed. The 3rd respondent raises the height of the compound wall of the petitioner without the petitioner's consent to two feet more, which, according to the petitioner, would prevent the free flow of

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air and sunlight. The petitioner further alleges that the sunshade of the building under construction protrudes to the property of the petitioner and seasonally the rain water would fall to his courtyard. The petitioner represented his grievances before the 2nd respondent as per Ext.P1; and though the 2nd respondent called the petitioner for a hearing, the site has not been visited and no action has been taken after hearing; it is alleged. Thereafter, the petitioner submitted Ext.P3 complaint before the 1st respondent requesting the Secretary to inspect the site directly and to take action against the 3rd respondent for illegal construction. The petitioner's grievance is that the 1st respondent is silent on the complaint and the 3rd respondent is continuing his illegal construction in an emergent and warfare manner. It is with this background, the petitioner has come up before this Court.

3. Today, when the matter came up for hearing, the learned counsel for the petitioner confined his

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argument to the limited prayer for a consideration of Ext.P3 representation.

Therefore, this writ petition is disposed of directing the respondent corporation to consider and pass appropriate orders on Ext.P3 representation within a period of one month from the date of receipt of a copy of this judgment after affording the petitioner and the 3rd respondent an opportunity of being heard.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-