

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(C).No. 5818 of 2015 (B)

PETITIONER(S):

**UMMUSALMA P.K.,
W/O.K.M. ABDULLAKUTY, KATTUPARAMBIL HOUSE,
ASHOK NAGAR, THRISSUR - 680 003.**

**BY ADVS.SRI.A.A.ZIYAD RAHMAN,
SRI.LAL K.JOSEPH,
SRI.V.S.SHIRAZ BAVA,
SRI.JOSEPH KURIAN VALLAMATTAM.**

RESPONDENT(S):

- 1. THRISSUR CORPORATION,
REPRESENTED BY SECRETARY,
THRISSUR-675 019.**
- 2. THE EXECUTIVE ENGINEER,
THRISSUR CORPORATION,
THRISSUR-675 019.**

BY ADV. SRI.K.P.VIJAYAN,SC.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONERS' EXHIBITS:

P1 - TRUE COPY OF THE TAX RECEIPT DATED 20.06.2014.

P1(A) - TRUE ENGLISH TRANSLATION OF EXT. P1.

P2 - TRUE COPY OF THE COMMUNICATION DATED 13.08.2014.

P2(A) - TRUE ENGLISH TRANSLATION OF THE EXT. P2.

**P3 - TRUE COPY OF THE RELEVANT PAGE OF THE DATA BANK AS CERTIFIED
BY THE VILLAGE OFFICER, OLLUKARA.**

P3(A) - TRUE ENGLISH TRANSLATION OF EXT. P3.

P4 - TRUE COPY OF THE COMMUNICATION DATED 18.12.2014.

P4(A) - THE TRUE COPY OF THE ENGLISH TRANSLATION OF EXT. P4.

**P5 - TRUE COPY OF THE NON ENCUMBRANCE CERTIFICATE ISSUED BY THE
SUB REGISTRAR OFFICE, OLLUKARA.**

P5(A) - TRUE ENGLISH TRANSLATION OF EXT. P5.

RESPONDENTS' EXHIBITS:

NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 5818 of 2015

Dated this the 5th day of June, 2015.

JUDGMENT

Alleging that the respondent Corporation is insisting for development permit before issuing a building permit, the petitioner has come up before this Court.

2. The petitioner along with her husband purchased an extent of 2.02 Ares of property comprised in Sy.No.622 part in Ollukara Village in Thrissur Taluk as per the Document dated 1944/2014 of Sub Registrar Office, Ollukara. The petitioner alleges that she purchased the said property for the purpose of constructing a residential building, as they are now residing in a rented building. Therefore, the petitioner submitted an application for building permit before the respondents, but they are refusing to entertain the same and insisting for development permit.

3. I have heard the learned counsel for the petitioner and the learned counsel for the respondent Corporation.

4. Evidently, the petitioner was a purchaser of a small plot, which is a pucca garden land as per Ext.P3, which is the copy of the data bank. The development permit is being insisted for the reason that this was a portion of a larger extent which was divided into plots for the construction of the residential buildings. As the rules permit the respondent corporation to regularise the land development, this Court is of the view that the writ petition can be disposed of permitting the petitioner to approach the respondent Corporation with an application for regularisation within a time frame so that the respondent Corporation can consider the same and regularise the development.

Therefore, the writ petition is disposed of permitting the petitioner to approach the respondent Corporation with an application for the regularisation of the development within a period of one month from the date of receipt of a copy of this judgment. In the event of filing such an application, the same shall be considered and orders shall be passed. In the event of

regularisation, the petitioner's application for building permit shall be considered and the formal orders shall be passed. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.