

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 6747 of 2015 (P)

PETITIONER:

JOMON JOSEPH, AGED 43 YEARS,
S/O. M.J JOSEPH, MUKKADAYIL HOUSE,
KARITHALA, ERNAKULAM.

BY ADV. SRI.R.RAJESH

RESPONDENTS:

1. THE STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE THRIKKAKARA MUNICIPALITY
REPRESENTED BY ITS SECRETARY,
THRIKKAKARA-682 030, ERNAKULAM.
3. THE SECRETARY, THRIKKAKARA MUNICIPALITY,
THRIKKAKARA-682 030, ERNAKULAM.

R1 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA
R2 & R3 BY SRI.S.SHANAVAS KHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 6747 of 2015 (P)

PETITIONER'S EXHIBITS:

EXT. P1 : TRUE COPY OF THE TAX RECEIPT DATED 12.6.2014 ISSUED BY THE VILLAGE OFFICER, KAKKANAD.

EXT. P2 : TRUE COPY OF THE PHOTOGRAPHS OF THE PETITIONER'S PROPERTY.

EXT. P3 SERIES: TRUE COPIES OF THE PHOTOGRAPHS OF SURROUNDING AREAS OF THE PETITIONER'S PROPERTY.

EXT. P4 : TRUE COPY OF THE NOTICE DTATED 7.2.2015 ISSUED BY THE 3RD RESPONDENT.

EXT. P5 : TRUE COPY OF THE JUDGMENT DATED 21.10.2014 IN WPC NO.25371 OF 2014 OF THIS HON'BLE COURT.

EXT. P6 : TRUE COPY OF THE JUDGMENT DTATED 24.11.2014 IN WPC NO.28985 OF 2014 OF THIS HON'BLE COURT.

EXT. P7 : TRUE COPY OF THE JUDGMENT DATED 30.10.2014 IN WPC NO.12868 OF 2014 OF THIS HON'BLE COURT.

EXT. P8 : TRUE COPY OF THE JUDGMENT DATED 22.9.2014 IN WPC NO.22153 OF 2014 OF THIS HON'BLE COURT.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.6747 of 2015 P

Dated this the 4th day of March, 2015

JUDGMENT

In the light of the ratio laid down in Exhibits P5 to P8, the present writ petition is also disposed of on the same lines applying the ratio laid down by this Court in the said decisions, thereby quashing Exhibit P4.

Consequently, the third respondent is directed to re-consider the application of the petitioner for building permission afresh, if necessary, by referring the matter to the District Town Planner and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

tkv