

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 6837 of 2015 (D)

PETITIONER:

ANWAR P.K,
S/O.LATE KUNHIBAVA, AGED 54 YEARS,
RESIDING AT POKKAKKILLATH HOUSE
KUTTAMANGALAM,
EDATHIRUTHY.P.O,
THRISSUR-680703.

BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU

RESPONDENT

THRISSUR CORPORATION,
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE,
THRISSUR-680001.

BY SRI.K.P.VIJAYAN,SC,THRISSUR CORPORATION
R1 BY ADV. SRI.V.N.HARIDAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

vmr.

WP(C).No. 6837 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 TRUE COPY OF THE JUDGMENT IN W.P(C)19638/2006 ON THE FILE OF THIS
HONOURABLE COURT DATED 25.8.2006.**

**EXT.P2 TRUE COPY OF THE JUDGMENT IN WP(C)1138/2011 ON THE FILE OF THIS
HONOURABLE COURT DATED 17.2.2011.**

**EXT.P3 TRUE COPY OF THE AGREEMENT ENTERED BETWEEN THE PETITIONER AND
HIS BROTHER P.K.AYOOB DATED 20.01.2006.**

EXT.P3(A) TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P3.

**EXT.P4 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE RESPONDENT CORPORATION DATED 11.07.2014.**

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 6837 of 2015

Dated this the 12th day of March, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Corporation, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Succinctly stated, the petitioner, being the co-owner of certain property in Chiyaram Village of Thrissur District, submitted an application on 12.06.2014 to the respondent Corporation for building permit to construct a complex of residential flats. When it has not been considered expeditiously, the petitioner is said to have submitted Exhibit P4 representation. Ventilating his grievance that his application has not been considered despite Exhibit P2 judgment, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner has submitted that in terms of Exhibit P2 judgment, the petitioner is entitled to the benefit of Chapter XI of the Kerala Municipality Building Rules, because the petitioner has already surrendered certain extent of land in favour of the respondent Corporation.

4. The learned Standing Counsel for the respondent Corporation, on his part, has submitted that the respondent authorities will make every effort to process petitioner's application expeditiously.

5. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel for the respondent Corporation, this Court, without adverting to the merits of the matter, disposes of the present writ petition with a direction to the respondent Corporation to consider petitioner's application in accordance with law, especially keeping in view the ratio laid down in Exhibit P2 judgment of this Court, 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.

With the above observation, this writ petition is disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-