

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 7218 of 2015 (B)

PETITIONER:

KALYANADAYINI SABHA, P.O. ANAPUZHA,
KODUNGALLUR, THRISSUR DISTRICT
REPRESENTED BY ITS PRESIDENT
ANILKUMAR P.P., AGED 46 YEARS,
S/O. PRABHAKARAN.

BY ADVS. SRI. RENJITH THAMPAN (SR.)
SRI. M. V. ANANDAN

RESPONDENTS:

1. KODUNGALLUR MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
MUNICIPAL OFFICE, KODUNGALLUR,
THRISSUR DISTRICT PIN 680 664.
2. SECRETARY, KODUNGALLUR MUNICIPALITY,
MUNICIPAL OFFICE, KODUNGALLUR,
THRISSUR DISTRICT PIN 680 664.
3. CHIEF TOWN PLANNER,
OFFICE OF CHIEF TOWN PLANNER,
THIRUVANANTHAPURAM PIN 695001.

R1, R2 BY ADV. SRI. BABU KARUKAPADATH
R1, R2 BY ADV. SMT. M. A. VAHEEDA BABU
R1, R2 BY ADV. SRI. K. A. NOUSHAD
R1, R2 BY ADV. SRI. KANDAMPULLY RAHUL
R1, R2 BY ADV. SRI. MITHUN BABY JOHN
BY GOVERNMENT PLEADER SMT. K. A. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- | | |
|-----------|--|
| EXT.P1 | TRUE COPY OF THE BUILDING PERMIT DATED 11.10.2006 ISSUED BY THE MUNICIPALITY. |
| EXT.P2 | TRUE COPY OF THE APPROVED PLAN WITH ENDORSEMENT OF THE MUNICIPAL ENGINEER, MUNICIPAL SECRETARY AS WELL AS THE FIRE AND RESCUE SERVICE. |
| EXT.P3 | TRUE COPY OF THE OCCUPANCY CERTIFICATE ISSUED BY THE SECRETARY OF THE MUNICIPALITY DATED 25.04.2011. |
| EXT.P4 | TRUE COPY OF THE ASSESSMENT NOTICE ISSUED BY THE MUNICIPALITY TO THE PETITIONER. |
| EXT.P4(a) | TRUE COPY OF THE LETTER DATE 13.04.2012 OF THE LOCAL SELF GOVERNMENT DEPARTMENT WITH ENGLISH TRANSLATION |
| EXT.P5 | TRUE COPY OF THE LETTER DATED 22.03.2014 OF THE MUNICIPALITY WITH ENGLISH TRANSLATION |
| EXT.P6 | TRUE COPY OF THE LETTER DATED 03.08.2014 OF THE 1ST RESPONDENT WITH ENGLISH TRANSLATION |

RESPONDENT(S)' EXHIBITS

- | | |
|---------------|---|
| EXHIBIT R1(a) | TRUE PHOTOSTAT COPY OF THE LETTER NO. 66688/RB 2/11/LSGD, DATED 13.04.2012 ISSUED BY UNDER SECRETARY, LSGD (RB) |
| EXHIBIT R1(b) | TRUE ENGLISH TRANSLATION OF LETTER NO. 66688/RB2/11/LSGD DATED 13.04.2012 ISSUED BY UNDER SECRETARY, LSGD (RB) |

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 7218 OF 2015

Dated this the 7th day of September, 2015

JUDGMENT

The petitioner seeks occupancy certificate in respect of the building. The petitioner also wants the third and fourth floor of the building to be numbered. The petitioner asserts that all the defects pointed out by the respondent municipality have been cured. The municipality maintains that there is deficit in the width of the stair way. One of the stair ways has a width of only 75 cms. The municipality contends that stair way has to have a minimum width of 1.2 metres.

2. The respondents 1 and 2 are directed to conduct a site inspection of the building with prior notice. It shall be physically verified as to whether the stair way has the proper width as enjoined by the statute. The occupancy certificate shall be issued and the building permit if only all the defects are cured and shortcomings rectified. The needful shall be done within a period of two weeks from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**