

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 7317 of 2015 (L)

PETITIONERS :

1. **V.RADHAKRISHNAN**
S/O.NIRMALA, MAYOORAM, THRIKKAKARA
KAKKANAD, NOW RESIDING AT 15450, SPRAGUE ROAD,
APT F38, MIDDLE BURG HEIGHTS, CHEVELAND,
OH 44130, U.S.A.
2. **V.BIJI**
W/O.RAHDAKRISHNAN, MAYOORAM, THRIKKAKARA,
KAKKANAD, NOW RESIDING AT 15450, SPRAGUE ROAD,
APT F 38, MIDDLE BURG HEIGHTS, CLEVELAND
OH 44130, U.S.A.

BY ADVS.SRI.N.RATHEESH
SMT.SUMA RATHEESH

RESPONDENTS :

1. **THE STATE OF KERALA**
REPRESENTED BY THE SECRETARY
LOCAL SELF GOVERNMENT INSTITUTIONS,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. **THE THRIKKAKARA MUNICIPALITY, THRIKKAKARA**
KAKKANAD - 692 021 REPRESENTED BY THE SECRETARY.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE BUILDING PERMIT DATED 05/02/2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONERS.

EXT.P2: TRUE COPIES OF PHOTOGRAPHS (3 NOS.) SHOWING THE BUILDING STRUCTURE.

EXT.P3: TRUE COPY OF THE NOTICE DATED 23/01/2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONERS ALONG WITH ENGLISH TRANSLATION.

EXT.P4: TRUE COPY OF THE OBJECTION DATED 27/01/2015 SUBMITTED BY THE PETITIONERS TO EXT.P3 NOTICE ALONG WITH ENGLISH TRANSLATION.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

WP(C) No. 7317 of 2015

Dated this the 9th day of March, 2015

J U D G M E N T

The petitioners have come up before this Court alleging that the respondent municipality has not considered Ext.P4 representation submitted by the petitioners in the form of objection.

2. The petitioners allege that they have been issued with Ext.P1 building permit and plan for construction of three-storied building in 5 cents of property. According to the petitioners, while the structural works of the building is over and the 3rd floor is all set for concreting, Ext.P3 notice was issued directing to stop construction. According to the petitioners, Ext.P3 was issued on the basis of a complaint from certain persons having vengeance towards the petitioners. The petitioners filed Ext.P4 objection. However, the same has not been considered and disposed of so far.

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3. As the learned Standing Counsel for the respondent municipality took notice, arguments have been heard.

Considering nature of the limited prayer in the writ petition, the writ petition is disposed of directing the respondent municipality to consider and pass appropriate orders on Ext.P4 after affording the petitioners and affected parties, if any, an opportunity of being heard within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-