

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. 7436 of 2015 (D)

PETITIONER :

**RENU VARGHESE, AGED 40 YEARS,
S/O.P.S.VARGHESE, MATTACKAL HOUSE, MOOLEPDOM ROAD,
KALAMASSERY, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.P.P.THAJUDEEN
SRI.MANSOOR.B.H.**

RESPONDENTS :

- 1. SECRETARY, KALAMASSERY MUNICIPALITY,
MUNICIPAL OFFICE, KALAMASSERY - 683 004.**
- 2. KALAMASSERY MUNICIPALITY
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE,
KALAMASSERY - 683 104.**
- 3. BABU
THAIVELIKAKATH, NEAR I.T.I.QUARTERS,
KALAMASSERY - 683 104.**

BY SRI.M.K.ABOOBACKER

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

bp

WP(C).No. 7436 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: A COPY OF THE JUDGM ENT DATED 17/06/2010 IN WPC.
 NO. 18017/2010.

EXT.P2: A TRUE COPY OF THE REPRESENTATION DATED 05/03/2015 AND
 POSTAL RECEIPT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J

WPC No.7436 of 2015

Dated this the 9th day of March, 2015

JUDGMENT

The limited prayer in this writ petition is for a direction to the first respondent to take action on Ext.P2.

2. The petitioner alleges that 5 years back, the third respondent had purchased 13 cents of land adjacent to the petitioner's property and constructed a four storeyed apartment complex. The said respondent without obtaining statutory permissions and without submitting revised plan or building permit started construction of additional floors. Construction activities carried out by the third respondent would result in serious difficulties and hardships to the petitioner; it is alleged. The construction materials such as bricks, concrete mixtures and other allied materials fell on the petitioner's property causing damage and nuisance. The well of the petitioner is also polluted.

3. Admittedly, the third respondent is constructing a multi-storeyed building. Therefore, NOC from Fire and

Rescue Department is also mandatory. Though the matter was brought to the notice of the first respondent, so far no action was taken. It is with this background the petitioner has approached this Court.

4. The learned Standing Counsel for the respondent Municipality takes notice.

5. As the argument of the learned counsel confined to the limited prayer for a direction to the first respondent, this writ petition is disposed of directing the first respondent to consider and pass appropriate orders on Ext.P2, after affording the petitioner an opportunity of being heard. This shall be done within a period of one month from the date of receipt of a copy of this judgment.

sd/-A.V.RAMAKRISHNA PILLAI
JUDGE

CSS/

true copy

P.S.TO JUDGE