

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 7565 of 2015 (U)

PETITIONER(S):

DILEEP SUBHAKARAN, S/O.SUBHAKARAN,
AGED 47 YEARS, 'SOPANAM', PRESS CLUB ROAD,
34/971A, EDAPPALLY, ERNAKULAM.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

1. PALAKKAD MUNICIPALITY,
REP. BY ITS SECRETARY, MUNICIPAL OFFICE,
PALAKKAD-678 001.
2. THE DISTRICT TOWN PLANNING OFFICER,
PALAKKAD, CIVIL STATION, PALAKKAD-678 001.
3. THE STATE OF KERALA,
REP. BY ITS SECRETARY,
DEPT. OF LOCAL SELF GOVERNMENT
THIRUVANANTHAPURAM-695 001.

R1 BY ADVS. SRI.T.C.SURESH MENON
SRI.P.S.APPU

R2 & R3 BY GOVT. PLEADER SRI.G.GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 7565 of 2015 (U)

PETITIONER'S EXHIBITS:

EXT P1 : A TRUE COPY OF THE POSSESSION CERTIFICATE DATED 13 AUGUST 2014 ISSUED BY THE VILLAGE OFFICER, PALAKKAD VILLAGE-III.

EXT P2 : A TRUE COPY OF THE ORDER DATED 10 FEBRUARY 2015 ISSUED BY THE 1ST RESPONDENT.

EXT P2(a) : A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P2.

EXT P3 : A TRUE COPY OF THE JUDGMENT REPORTED IN 2011(3) KHC 162 (DB) OF THIS HON'BLE COURT.

EXT P4 : A TRUE COPY OF THE JUDGMENT DATED 5.11.2014 IN WPC NO.20056/2014.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.7565 of 2015 U

Dated this the 17th day of March, 2015

JUDGMENT

In the light of the ratio laid down in Exhibits P3 and P4, the present writ petition is disposed of on the same lines applying the ratio laid down by this Court in the said decision, thereby quashing Exhibit P2.

Consequently, the respondent Municipality is directed to consider the application of the petitioner for building permission afresh, if necessary, by referring the matter to the second respondent, 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