

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 17TH DAY OF APRIL 2015/27TH CHAITHRA, 1937

WP(C).No. 8202 of 2015 (A)

PETITIONER : -

SURESH, AGED 51 YEARS,
S/O.RAGHAVAN, ILLATH, 32/328-F,
PERA 100, THEKKUMBHAGAM, TRIPUNITHURA (P.O.),
ERNAKULAM DISTRICT.

BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENTS : -

1. JAMES A.X., S/O.XAVIER.A.P.,
ARAKKAL HOUSE, PERA 62,
THEKKUMBHAGAM, PUTHIYAKAVU,
TRIPUNITHURA (P.O.), ERNAKULAM DISTRICT, PIN 682301.
2. TRIPUNITHURA MUNICIPALITY,
TRIPUNITHURA, ERNAKULMA DISTRICT,
PIN 682301, REPRESENTED BY ITS SECRETARY.
3. THE SECRETARY,
TRIPUNITHURA MUNICIPALITY, PIN 682301.
4. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT INSTITUTIONS,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
PIN 695001.

R2,R3 BY ADV.SRI.V.M.KURIAN, SC, THIRIPUNITHURA MUNICIPALITY
R4 BY GOVERNMENT PLEADER SMT. C.K. SHERIN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT-P1 : TRUE COPY OF THE LAND TAX RECEIPT DATED 19.02.2015.

EXHIBIT-P2 : TRUE COPY OF THE BUILDING TAX RECEIPT DATED 09.02.2015.

EXHIBIT-P3 : TRUE COPY OF THE LOCATION SKETCH SHOWING THE PROPERTY
OF THE PETITIONER AND 1ST RESPONDENT.

EXHIBIT-P4 : TRUE COPY OF THE REPRESENTATION DATED 09.02.2015
SUBMITTED TO THE 3RD RESPONDENT ALONG WITH ITS
TRANSLATION IN ENGLISH.

EXHIBIT-P5 : TRUE COPY OF THE APPLICATION DATED 09.02.2015 ALONG WITH
ITS TRUE TRANSLATION IN ENGLISH.

EXHIBIT-P6 : TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD
RESPONDENT DATED 07.03.2015 ALONG WITH ITS TRUE
TRANSLATION IN ENGLISH.

EXHIBIT-P7 : PHOTOGRAPHS SHOWING THE BUILDING UNDER CONSTRUCTION
BY THE 1ST RESPONDENT AND THE RESIDENTIAL HOUSE OF THE
PETITIONER.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 8202 of 2015

Dated this the 17th day of April, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, as well as the learned Standing Counsel for the respondents, 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. Briefly stated, the grievance of the petitioner is that the first respondent has started construction of a building in the neighbouring property in violation of the Kerala Municipality Building Rules, 1999, causing much inconvenience and nuisance to the petitioner. In that context, the petitioner is said to have submitted Exhibit P4 complaint before the third respondent. Complaining of non consideration of the said complaint, the petitioner has

approached this Court.

3. Though notice was served, none appears for the first respondent.

4. The learned Standing Counsel for the respondent Municipality has submitted that the Municipality is willing to consider petitioner's Exhibit P4 complaint and pass appropriate orders thereon in accordance with law.

5. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader, as well as the learned Standing Counsel for the respondents, without expressing any opinion on the merits of the matter, this Court disposes of the present writ petition with a direction to the respondent Municipality to consider petitioner's Exhibit P4 complaint in accordance with law, 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. It is made clear that until the respondent Municipality considers and passes orders on Exhibit P4, status quo concerning the

construction undertaken by the first respondent shall be maintained.

With the above observations, this writ petition is disposed of.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-