

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 8675 of 2015 (H)

PETITIONERS:

1. THOMAS V.T., AGED 49 YEARS,
VARACHERIYIL HOUSE, PALA, KOTTAYAM DISTRICT.
2. MOLLY GEORGE,
VARACHERIYIL HOUSE, PALA, KOTTAYAM DISTRICT.
3. BIMAL GEORGE,
VARACHERIYIL HOUSE, PALA, KOTTAYAM DISTRICT.
4. BISMI,
VARACHERIYIL HOUSE, PALA, KOTTAYAM DISTRICT.

**BY ADVS.SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON**

RESPONDENTS:

1. PALA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
OFFICE OF THE PALA MUNICIPALITY, PALA - 686 575.
2. THE SECRETARY,
OFFICE OF THE PALA MUNICIPALITY, PALA - 686 575.
3. MUNICIPAL ENGINEER,
PALA MUNICIPALITY, PALA - 686 575.

R1&2 BY ADV. SRI.V.M.KURIAN, SC, PALA MUNICIPALITY

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

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 : COPY OF PERMIT ISSUED BY THE SECRETARY, PALA MUNICIPALITY.
- EXT.P2 : COPY OF APPLICATION FILED BY THE 1ST PETITIONER BEFORE THE
2ND RESPONDENT.
- EXT.P2(A) : COPY OF ENGLISH TRANSLATION OF EXT.P2.
- EXT.P3 : COPY OF ORDER ISSUED BY THE 3RD RESPONDENT.
- EXT.P3(A) : COPY OF ENGLISH TRANSLATION OF EXT.P3.
- EXT.P4 : COPY OF LETTER SUBMITTED BY THE 1ST PETITIONER BEFORE
THE 2ND RESPONDENT.
- EXT.P4(A) : COPY OF ENGLISH TRANSLATION OF EXT.P4.
- EXT.P5 : COPY OF NOTICE PASSED BY THE 2ND RESPONDENT.
- EXT.P5(A) : COPY OF ENGLISH TRANSLATION OF EXT.P5.
- EXT.P6 : COPY OF JUDGEMENT IN WPC NO. 8656/2008 OF THIS HON'BLE
COURT.
- EXT.P6(A) : COPY OF JUDGMENT IN WPC NO. 24208/2013 OF THIS HON'BLE
COURT.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

V. CHITAMBARESH, J.

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W.P. (C) No. 8675 of 2015

Dated this the 9th day of September, 2015

J U D G M E N T

That there is no approved master plan for Pala Municipality is concluded by Exts. P6 and P6(a) judgments in W.P.(C) Nos. 8656/ 2008 and 24208 / 2013. The building permit originally granted to the petitioner in accordance with the Building Rules then in vogue was valid from 10.07.2008 to 09.07.2011. The said building permit was later renewed for the period up to 09.07.2014 under Rule 15A(2) of the Kerala Municipality Building Rules, 1999.

2. The petitioners thereafter applied for further renewal of the permit on 07.10.2014 under Rule 15A(4) of the above Rules. The said Rule is extracted hereunder:

" The Secretary may, if he deems fit, grant renewal for a period of three years on application submitted after the expiry of the permit, subject to the condition that the total period of validity of permit from the date of issue of original permit shall not exceed 9 years."

The petitioner is certainly entitled to the renewal of the building

permit under Rule 15A(4) of the Rules if the application is otherwise in order.

3. It should be noticed that the petitioners need to comply with the Kerala Municipality Building Rules, 1999 at the time of the original grant (Ext.P1). Subsequent amendments as regards front yard and set back to the Rules does not affect the petitioners since they have applied only for renewal. The proposed master plan for the Pala Municipality yet to be finalised is also not a reason enough to decline renewal of permit. A total non-application is well evident in Ext.P5 Order declining to renew the building permit of the petitioners.

4. I quash Ext.P5 order and direct the second respondent to reconsider Ext.P2 application filed for renewal of the building permit. The same shall be done in the light of the observations above with notice to the petitioners within a period of two months.

The Writ Petition is disposed of.

Sd/-
**V. CHITAMBARESH,
JUDGE**

DST

//True copy//

P.A. To Judge