

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 8846 of 2015 (E)

PETITIONER:

**M/S.DESAI HOMES 40/7669/C 40,
DD VASTRA MAHAL, MARKET ROAD,
KOCHI- 682011, REPRESENTED BY ITS
MANAGING PARTNER V.R.DESAI,
AGED 62 YEARS, RESIDING AT HOUSE
NO.8/700, KOOVAPPADAM, KOCHI.**

BY ADV. SRI.R.RAJESH

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE THRIKKAKARA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
THRIKKAKARA - 682 030, ERNAKULAM.**
- 3. THE SECRETARY,
THRIKKAKARA MUNICIPALITY,
THRIKKAKARA - 682 030, ERNAKULAM.**

**R1 BY SENIOR GOVERNMENT PLEADER SMT.SHERIN
R2 & R3 BY SRI.S.SHANAVAS KHAN, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1 - TRUE COPY OF THE SALE DEED NO.1239/1993 DATED 8-7-1993 OF SRO THRIKKAKARA.
- EXT.P2 - TRUE COPY OF THE POSSESSION CERTIFICATE DATED 11-8-2014 ISSUED BY THE VILLAGE OFFICER, KAKKANAD.
- EXT.P3 - TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.
- EXT.P4 - TRUE COPY OF THE PHOTOGRAPHS OF THE PETITIONER'S PROPERTY.
- EXT.P5 - TRUE COPY OF THE PHOTOGRAPHS OF SURROUNDING AREAS OF THE PETITIONER'S PROPERTY.
- EXT.P6 - TRUE COPY OF THE NOTICE DATED 5-11-2014 ISSUED BY THE 3RD RESPONDENT.
- EXT.P7 - TRUE COPY OF THE JUDGMENT DATED 21-10-2014 IN WPC.NO.25371 OF 2014 OF THIS HON'BLE COURT.
- EXT.P8 - TRUE COPY OF THE JUDGMENT DATED 24-11-2014 IN WPC.NO.28985 OF 2014 OF THIS HON'BLE COURT.
- EXT.P9 - TRUE COPY OF THE JUDGMENT DATED 30-10-2014 IN WPC.NO.12868 OF 2014 OF THIS HON'BLE COURT.
- EXT.P10 - TRUE COPY OF THE JUDGMENT DATED 22-9-2014 IN WPC.NO.22153 OF 2014 OF THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 8846 of 2015

Dated this the 27th day of March, 2015

JUDGMENT

In the light of the ratio laid down in Exhibits P7 to P10 judgments, the present writ petition is also disposed of on the same lines applying the ratio laid down by the learned single Judge in the said decision, thereby quashing Exhibit P6.

Consequently, the third respondent is directed to consider the application of the petitioner for building permission afresh, if necessary, by referring the matter to the District Town Planner, and thereafter 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**

DMR/-