

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 10566 of 2015 (U)

PETITIONER:

E.MOIDEEN, AGED 77 YEARS,
S/O. ABDULLA, EDALOLI HOUSE, NELLIPARAMBU,
KARUVAMBRUM P.O., MANJERI, MALAPPURAM DISTRICT.

BY ADVS.SRI.P.VENUGOPAL (1086/92)
SMT.T.J.MARIA GORETTI

RESPONDENTS:

1. SECRETARY,
MANJERI MUNICIPALITY, MANJERI, MALAPPURAM DISTRICT,
PIN-676 121.
2. MANJERI MUNICIPALITY,
MANJERI, MALAPPURAM DISTRICT, PIN 676 121,
REPRESENTED BY ITS SECRETARY.
3. STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, MALAPPURAM,
PIN 676 505.

R BY SRI. C.K. SHERIN, GOVERNMENT PLEADER
R BY SRI.K.SHIBILI NAHA, SC, MANJERI MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1- TRUE COPY OF A SITE PLAN SHOWING THE LOCATION OF THE
PROPERTY OF THE SON OF THE PETITIONER.

EXHIBIT P2- TRUE COPY OF THE NOTICE/ORDER VIDE NO. E3/865/15 DATED 05-
02-2015 ISSUED BY THE FIRST RESPONDENT (ALONG WITH ITS TRUE ENGLISH
TRANSLATION).

RESPONDENTS' EXHIBITS:

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 10566 of 2015

Dated this the 8th day of April, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Municipality, apart from perusing the record.

2. Briefly stated, when the petitioner applied for a building permit to construct the residential building, the respondent Municipality rejected it through Ext.P2 order citing the reason that under the Nelliparamba DTP Scheme, the area where the petitioner proposes to construct is set apart as 'planned residential area'. Aggrieved thereby, the petitioner has filed the present writ petition.

3. Having regard to the respective submission made by the learned counsel for the petitioner and the learned Standing Counsel for the respondent Municipality, this Court understands that the petitioner proposes to construct only a residential building in an area which is said to have been

earmarked for 'planned residential area'. In the absence of any further information in Ext.P2, styled as notice by the respondent Municipality, I am unable to understand what is the exact import of 'planned residential area' and how the petitioner can be denied permit for the self safe purpose, i.e., constructing a residential building.

In the facts and circumstances, Ext.P2 is set aside. Consequently, the respondent Municipality is directed to re-consider the petitioner's application in accordance with law as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

