

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 10979 of 2015 (V)

PETITIONER:

**C.K.EASSA, AGED 68 YEARS,
S/O.P.K.ABOOTY, R/O.JUHAINA, S.S.ROAD,
THALASSERY, PIN - 670104, KANNUR DISTRICT.**

**BY SRI.S.SREEKUMAR (SENIOR ADVOCATE)
ADVS. SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
KANNUR, PIN - 670001.**
- 2. THE THALASSERY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, PIN - 670101.**
- 3. KERALA COASTAL MANAGEMENT AUTHORITY,
REPRESENTED BY ITS CHAIRMAN,
SHASTRA BHAVAN, PATTOM,
THIRUVANANTHAPURAM-695004.**

**R1 & R2 BY SENIOR GOVT. PLEADER SRI.JOSEPH GEORGE
R3 BY SRI.K.R.SUNIL, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT-P1: TRUE COPY OF BUILDING PERMIT DATED 24.06.2013.
- EXHIBIT-P2: TRUE COPY OF APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXHIBIT-P3: TRUE COPY OF NOTICE ISSUED BY THE 2ND RESPONDENT ON 11.06.2014.
- EXHIBIT-P4: TRUE COPY OF MINUTES OF THE 67TH MEETING OF THE 3RD RESPONDENT DATED 30.09.2014.
- EXHIBIT-P5: TRUE COPY OF PROCEEDINGS OF THE 1ST RESPONDENT DATED 17.01.2015.
- EXHIBIT-P6: TRUE COPY OF SHOW CAUSE NOTICE DATED 22.01.2015 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT-P7: TRUE COPY OF REPLY DATED 04.02.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT-P8: TRUE COPY OF ORDER OF THE 2ND RESPONDENT DATED 11.3.14.
- EXHIBIT-P9: TRUE COPY OF OFFICE MEMORANDUM NO.J-11013/41/2006-IA 11(I) ISSUED BY THE MINISTRY OF ENVIRONMENT AND FOREST.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.10979 OF 2015
.....

Dated this the 7th day of April, 2015

J U D G M E N T

The grievance of the petitioner is mainly with regard to the direction given by the 1st respondent vide Ext.P5, instructing the 2nd respondent/Municipality to cause demolition of the structure erected by the petitioner allegedly in violation of the relevant provisions of law. The learned counsel for the petitioner submits that construction was made after getting all the requisite clearances from the authorities and the only remaining exercise to be completed is with regard to the finalization of the matter before the 3rd respondent. The petitioner has already preferred Ext.P2 before the 3rd respondent. It is stated that some orders have been passed by the 3rd respondent as discernible from Ext.P4. But, the proceedings are still to be finalized for the reasons not disclosed to the petitioner, but for the contents of Ext.P4. It is in the meanwhile, that coercive proceedings have

been pursued by the 1st respondent by passing Ext.P5, which is sought to be intercepted in this writ petition.

2. Heard Mr. S. Sreekumar, the learned Senior counsel appearing for the petitioner, learned Senior Government Pleader appearing for the 1st respondent and the learned Standing Counsel appearing for the 3rd respondent.

3. After hearing both the sides, this Court finds it appropriate to cause the matter which is pending before the 3rd respondent finalized at the earliest. Accordingly, there will be a direction to the 3rd respondent to finalize the proceedings, which is the subject matter of Ext.P3 and P4, after hearing the parties concerned, in accordance with law, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

4. The implementation of Exts.P5, P6 and P8 shall be subject to the orders to be passed by the 3rd respondent as above. The petitioner shall maintain '*status quo*' and no construction shall be effected in the property concerned till the proceedings are finalized as above.

5. The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 3rd respondent for further steps.

The writ petition is disposed of accordingly.

Sd/-

P.R.RAMACHANDRA MENON
JUDGE

//true copy//

P.S. to Judge

St/-