

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

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

WP(C).No. 11561 of 2015 (S)

PETITIONER:

**R.VIKRAMAN SALI JOHN AGED 42 YEARS,
S/O.RAJAPPAN, S.N.V.SADANAM,
ULLOOR, SREEKARIYAM P.O.,
THIRUVANANTHAPURAM PIN 695 011.**

BY ADV. SRI.K.PADMAKUMAR

RESPONDENTS:

- 1. THE SECRETARY, CORPORATION OF THIRUVANANTHAPURAM
MAIN OFFICE, PALAYAM, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM - 695 033.**
- 2. CORPORATION OF THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY, MAIN OFFICE,
PALAYAM, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM 695 033.**
- 3. G.CHANDRABABU @ KILIMANOOR CHANDRA BABU,
S/O. GANGADHARAN, PROPRIETOR OF SREE DHANYA BUILDING COMPLEX
"SREE DHANYA", JAWAHAR NAGAR, KOWDIAR P.O.,
THIRUVANANTHAPURAM 695 003.**

R1 & R2 BY SRI.P.K.MANOJKUMAR,SC,TVPM CORPORATION

**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 : PHOTOGRAPH OF THE CONSTRUCTING BUILDING
- EXHIBIT P2 : TRUE COPY OF THE APPLICATION BY THE PETITIONER UNDER RTI ACT DATED 18.08.2014
- EXHIBIT P2(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P2
- EXHIBIT P3 : TRUE COPY OF THE REPLY NOTICE FROM THE INFORMATION OFFICER, CORPORATION OF THIRUVANANTHAPURAM DATED 29.08.2014
- EXHIBIT P3(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P3
- EXHIBIT P4 : TRUE COPY OF THE APPEAL PETITION TO APPEAL AUTHORITY DATED 09.10.2014
- EXHIBIT P4(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P4
- EXHIBIT P5 : TRUE COPY OF THE ORDER OF APPEAL AUTHORITY TO APPEAL PETITION DATED 27.10.2014
- EXHIBIT P5(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P5
- EXHIBIT P6 : TRUE COPY OF THE DETAILED REPLY BY THE INFORMATION OFFICER DATED 01.11.2014
- EXHIBIT P6(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P6
- EXHIBIT P7 : PHOTOGRAPGH WHICH SHOWS NO ROAD INSIDE THE SOUTHERN BOUNDARY OF THE BUILDING
- EXHIBIT P8 : PHOTOFRAPH WHICH SHOWS NO SPACE INSIDE THE SOUTHERN BOUNDARY OF THE BUILDING
- EXHIBIT P9 : PHOTOGRAPHS SHOWING THE FRONT LEFT SIDE OF THE BUILDING

- EXHIBIT P10 : PHOTOGRAPHS SHOWING THE FRONT RIGHT SIDE OF THE BUILDING
- EXHIBIT P11 : TRUE COPY OF THE COMPLAINT DATED 24.01.2015 WITH RECEIPT NO.UE2/602/15 DATED 28.01.2015
- EXHIBIT P11(A) TRUE ENGLISH TRANSLATION OF EXHIBIT P11

RESPONDENT'S EXHIBITS

NIL

**/TRUE COPY/
PA TO JUDGE**

JJJ

ASHOK BHUSHAN, C.J.
&
A.M. SHAFFIQUE, J.

W.P. (C) No. 11561 of 2015 (S)

Dated this the 8th day of April, 2015

J U D G M E N T

A.M.Shaffique, J.

The petitioner has approached this court seeking the following directions:

- "i) issue a writ of Mandamus or any other appropriate writ, direction or order directing the 1st respondent to consider Exhibit P11 complaint and to demolish the unauthorised and illegally constructed portion of the building within the stipulated period with the expense of the 3rd respondent.
- ii) pass an order to stay the further construction of building till the disposal of this writ petition."

2. According to the petitioner, the building is being constructed by the 3rd respondent in violation of the building

permit as well as the Kerala Municipality Building Rules. Though, the petitioner has given certain complaints to the Corporation, no action has been taken in the matter, is the complaint.

3. A perusal of the Writ Petition does not indicate the nature of the violation as alleged by the petitioner. The allegations are very vague. Therefore, such matters cannot be adjudicated by this Court in a Public Interest Litigation. At any rate, it shall be open for the petitioner to give proper representation to the Corporation narrating the deficiencies or the violations of the Kerala Municipality Building Rules.

With the above observations the Writ Petition is disposed of.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

jjj