

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 11870 of 2015 (G)

PETITIONER:

SUSEELADEVI, PAREKKATTU HOUSE,
VAYALA P.O., KOTTAYAM (Dt.)

BY ADV. SMT.SHAMEENA SALAHUDHEEN

RESPONDENTS:

1. THE KOTTAYAM MUNICIPALITY REP. BY
ITS SECRETARY, MUNICIPALITY OFFICE,
KOTTAYAM - 1.
2. THE SECRETARY, KOTTAYAM MUNICIPALITY,
MUNICIPALITY OFFICE, KOTTAYAM - 1.
3. UNNIKRISHNAN NAIR, VALIYAPARAMBIL
HOUSE, SH MOUNT P.O., KOTTAYAM.

BY SRI.PHILIP J.VETTICKATTU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 11870/2015

PETITIONER'S EXHIBITS:

EXT. P1 TRUE COPY OF THE TAX RECEIPT OF THE PROPERTY

EXT.P1(a) TRUE TRANSLATION OF EXT. P1

EXT. P2 TRUE COPY OF THE REPRESENTATION DATED 20.03.2014
SUBMITTED TO THE SECOND RESPONDENT

EXT. P3 TRUE COPY OF THE RECEIPT OBTAINED ON SUBMITTING EXT. P2

EXT. P3(a) TRUE TRANSLATION OF EXT. P3

EXT. P4 TRUE COPY OF THE REPRESENTATION DATED 12.8.2014

EXT. P5 TRUE COPY OF THE RECEIPT OBTAINED ON SUBMITTING EXT. P4

EXT.P5(a) TRUE TRANSLATION OF EXT. P5

EXT. P6 TRUE COPY OF THE RECEIPT OBTAINED ON SUBMITTING
REPRESENTATION ON 6.2.2015

EXT.P6(a) TRUE TRANSLATION OF EXT. P6

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.11870 of 2015 G

Dated this the 9th 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. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the grievance of the petitioner is that the third respondent constructed a building deviating from the approved plan, without leaving the required set backs. Complaining of the violations allegedly committed by the third respondent, the petitioner is said to have submitted Exhibits P3 and P4 representations on 20.03.2014 and 12.08.2014 respectively, apart from another reminder on 06.02.2015. Complaining of inaction on the

part of the respondent Municipality, the petitioner has approached this Court.

3. The learned counsel for the respondent Municipality, on instructions, has submitted that the respondent Municipality is willing to consider the petitioner's representations.

4. This Court is conscious that no notice as yet has been served on the third respondent. Any adjudication affecting a person who has not been put on notice shall not be undertaken. This Court, however, desires to dispose of the writ petition protecting the interest of the third respondent as well.

5. Accordingly, this Court directs the respondent Municipality to consider the petitioner's representations concerning the constructions made by the third respondent, after providing an opportunity of hearing to the third respondent as well as the petitioner before it passes any

orders. Needless to observe that the respondent Municipality may expedite the process and conclude the proceedings at the earliest, after putting the third respondent on notice.

With the above observation, the writ petition is disposed of. No order as to costs.

Dama Seshadri Naidu, Judge

tkv