

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. 11949 of 2015 (P)

PETITIONERS:

1. MARY, AGED 62 YEARS,
W/O. A.N.A. JOHN,
XL/195, ELAVATHINGAL,
KALOOR P.O., ERNAKULAM.
2. PREETHA, AGED 37 YEARS,
W/O. JOY, 198, HILL GARDENS,
OLLUR, KUTTANELLUR P.O., THRISSUR.
3. BINDHU VASUDEVAN, AGED 60 YEARS,
W/O. DR. BABU VASUDEVAN,
PORUTHIYIL, THRIKKANARVATTOM,
KANAYANNUR TALUK, ERNAKULAM.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS:

1. THE THRIKKAKKARA MUNICIPALITY,
KAKKANADU P.O., KOCHIN - 682 030,
REPRESENTED BY ITS SECRETARY.
2. MUNICIPAL ENGINEER,
THRIKKAKKARA MUNICIPALITY,
KAKKANADU P.O.,
COCHIN - 682 030.

R BY SMT.AMBIKA DEVI, SC, KWA

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

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1 : TRUE COPY OF THE APPLICATION FOR BUILDING PERMIT DATED 16.02.2015 SUBMITTED ON 18.02.2015.
- EXT.P2 : TRUE COPY OF THE NOTICE NO.1021/14 DATED 17.03.2015 ISSUED BY THE 2ND RESPONDENT.
- EXT.P2A : TRUE ENGLISH TRANSLATION OF NOTICE NO. 1021/2014 DATED 17.03.2015 ISSUED BY THE SECOND RESPONDENT.
- EXT.P3 : TRUE COPY OF THE JUDGMENT IN W.P.(C) NO. 11936 OF 2012 DATED 20.06.2012.
- EXT.P4 : TRUE COPY OF THE JUDGMENT IN W.P.(C) NO. 17673 OF 2013 DATED 19.08.2013.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 11949 of 2015

Dated this the 9th day of April, 2015.

JUDGMENT

In the light of the ratio laid down in Exts.P3 and P4 judgments, this Court disposes of the writ petition on the same lines applying the ratio laid down in the aforesaid judgments, thereby setting aside Ext.P2.

Consequently, the respondents are directed to consider the petitioners' application for building permission afresh, if necessary, by referring the matter to the District Town Planner, after subjecting the land in question to physical verification, and thereafter pass appropriate orders thereon, 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.

