

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

WP(C).No. 12674 of 2015 (H)

PETITIONER(S):

MUSTHAFa, AGED 36 YEARS
S/O.ALI, EDAVAZHICAL HOUSE, VARANGODE
DOWN HILL PO, MALAPURAM.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

1. THE STATE OF KERALA,
REP. BY THE SECRETARY TO THE GOVT.
LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2. THE MALAPURAM MUNICIPALITY,
REP. BY ITS SECRETARY, P.O. MALAPURAM
MALAPURAM DISTRICT-673 001.

R1 BY GOVERNMENT PLEADER SRI.T.R.RAJESH
R2 BY SRI.ESM.KABEER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 12674 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT P1 ; A TRUE COPY OF THE PERMIT GRANTED BY THE SECOND RESPONDENT DATED 30-6-2014.

EXT P2 : A TRUE COPY OF THE OCCUPANCY CERTIFICATE ISSUED BY THE SECOND RESPONDENT DATED 4-10-2014.

EXT P3 : A TRUE COPY OF THE NOTICE SERVED ON THE PETITIONER DATED 23-3-2015.

EXT P4 : A TRUE COPY OF THE INTIMATION RECEIVED BY THE PETITIONER DATED 23-3-2015.

EXT P5 : A TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER DATED 1-4-2015 TO THE SECOND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE.

dlk

C.T.RAVIKUMAR, J

W.P.(C) No. 12674 of 2015

Dated this the 21st day of April, 2015

JUDGMENT

The captioned writ petition has been filed seeking quashment of Exts.P3 and P4. Earlier, the petitioner effected construction of a temporary structure. Evidently, the said temporary structure was numbered by the second respondent. Now, as per Ext.P3 stating that it is a mistake and it was sought to be cancelled. Ext.P4 is the another intimation given to the petitioner. In Ext.P4 it is stated that the said temporary structure was numbered without actually conducting a survey. On receipt of Exts.P3 and P4 the petitioner submitted his objections as per Ext.P5. The contention of the petitioner is that without considering the objections raised in Ext.P5 the respondents are proceeding to demolish the building in question in pursuance of Exts.P3 and P4. It is in the said circumstances that this writ petition has been filed.

2. Having heard the learned counsel on both sides I am inclined to dispose of this writ petition as hereunder:-

Taking into consideration the fact that pursuant to the receipt of Exts.P3 and P4 the petitioner has raised objections

through Ext.P5 and it is now, pending. The second respondent, before whom it is pending, is directed to consider Ext.P5 and pass appropriate orders finalising the proposal made as per Exts.P3 and P4. Needless to say that before taking a decision and communicating the same, after conducting a hearing based on Ext.P5, the construction in question shall not be demolished.

Sd/-

C.T.RAVIKUMAR,JUDGE.

dlk