

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 13524 of 2014 (M)

PETITIONERS:

**P. ALI
S/O KUNHEEDU HAJI, TANALUR PO, TIRUR
MALAPPURAM DISTRICT.**

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENT:

- 1. THE SECRETARY
TIRUR MUNICIPALITY, TIRUR PO,-676 101,
MALAPPURAM DISTRICT.**
- 2. THE MUNICIPAL ENGINEER,
TIRUR MUNICIPALITY, TIRUR PO- 676 101,
MALAPPURAM DISTRICT.**

**BY ADVS. SRI.P.K.VIJAYAMOHANAN
SRI.ALAN PAPALI
SRI.NISHIL.P.S.
SMT.O.V.BINDU
SRI.J.VIMAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

WP(C).No. 13524 of 2014 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 : TRUE COPY OF THE GIFT DEED DATED 11.06.2013 FROM THE
PETITIONERS FATHER TO THE PETITIONER**

**EXHIBIT P2 : TRUE COPY OF THE BASIC TAX RECEIPT DATED 25.07.2013 ISSUED BY
VILLAGE OFFICER, TRIKKANDIYOOR TO THE PETITIONER**

**EXHIBIT P3 : TRUE COPY OF THE NOTICE DATED 30.09.2013 OF THE 2ND
RESPONDENT**

**EXHIBIT P4 : TRUE COPY OF BUILDING PLAN SUBMITTED BY THE PETITIONER TO
THE 1ST RESPONDENT**

**EXHIBIT P5 : TRUE COPY OF THE LETTER NO.BA.NO.456/13 DATED 20.02.2014 OF
THE 2ND RESPONDENT TO THE PETITIONER**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 13524 of 2014

Dated this the 21st day of January, 2015

JUDGMENT

In the light of the ratio laid down in **Nasar P.K. v. Malappuram Municipality** [2009 (3) KLT 92], **Saidu P. v. State of Kerala** (2010 KHC 974) and **SMA Restaurant Services Pvt Ltd. v. State of Kerala** [2013 (1) KHC 252], the present writ petition is also disposed of on the same lines, applying the ratio laid down by the learned single Bench in the said decisions, thereby quashing Exhibit P5.

Consequently, the first respondent is directed to consider the application of the petitioner for building permission afresh, if necessary, by referring the matter to the District Town Planner and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within a period of six weeks from the date of receipt of a copy of this judgment.

DAMA SESHADRI NAIDU
JUDGE

DMR/-