

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 15379 of 2015 (V)

PETITIONER(S) :

**DINAMON,
DINAKAR BUNGLOW, CHIRAKKADAVAM, KAYAMKULAM.**

BY ADV. SRI.J.OM PRAKASH

RESPONDENT(S) :

- 1. THE KAYAMKULAM MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE,
KAYAMKULAM- 690 502.**
- 2. MANIYAN,
S/O. KUNJUPANICKEN, PANJERIL, PULIKKARAKKU P.O.,
KAYAMKULAM- 690 502**

R1 BY ADV. SRI.RAYA SHENOI, S.C

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: A TRUE COPY OF THE PERMIT ISSUED BY THE FIRST RESPONDENT.

EXHIBIT P2: A TRUE COPY OF THE ORDER DATED 20-07-2012.

EXHIBIT P3: A TRUE COPY OF THE NOTICE DATED 20-07-2012 OF THE FIRST RESPONDENT.

EXHIBIT P4: A TRUE COPY OF THE REPLAY DATED 03.08.2012.

EXHIBIT P5: A TRUE COPY OF THE ORDER IN C.M.A.NO. 35/2012 DATED 30-01-2014.

EXHIBIT P6: A TRUE COPY OF THE REPRESENTATION DATED 05-03-2015.

EXHIBIT P7: A TRUE COPY OF THE RECEIPT DATED 07-03-2015 ISSUED TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 15379 of 2015

Dated this the 26th day of May, 2015

J U D G M E N T

Alleging inaction on the part of the respondent municipality in considering and passing orders on Ext.P6 representation submitted by the petitioner for renewal of building permit, the petitioner has come up before this Court.

2. The petitioner alleges that he was granted with a building permit in the year 2007 and he could complete the construction of only a part of the building due to financial difficulties. However, during 2012, the municipality issued a notice to the petitioner stating that the building was constructed illegally and the petitioner has furnished reply. Thereafter, the petitioner filed an application for renewal of the permit. The renewal could not be effected in the light of a temporary injunction granted by the civil court, which was later vacated by the first appellate court. Even after that, the respondent municipality is not considering Ext.P6 representation. It is with this background, the petitioner

..2..

has come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent municipality.

4. The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent municipality to consider and pass appropriate orders on Ext.P6 representation within a time frame.

Considering the nature of the submission, this writ petition is disposed of directing the respondent municipality to consider and pass appropriate orders on Ext.P6 representation after affording the petitioner an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the respondent municipality at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-