

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V.CHITAMBARESH

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

W.P.(C).No. 15526 of 2015 (M)

PETITIONER(S):

1. DR. E.A. PADMINI, AGED 60 YEARS,
D/O. AYYAPPANKUTTY, C/O. DR.E.A BHASKARAN,
SANTHI HOSPITAL, KODAKARA, THRISSUR.
2. ROHINI, AGED 63 YEARS,
W/O. HARIDAS MENON T, ARAKKAL HOUSE,
CHEMBUKKAVU P.O., THRISSUR - 680 001.

BY ADVS. SRI. C.P.SUDHAKARA PRASAD (SR.)
SRI. P.N.SANTHOSH
SRI. S.RAMESH
SRI. NAVEEN.T
SMT. POOJA SURENDRAN

RESPONDENT(S):

1. THE CORPORATION OF THRISSUR,
REPRESENTED BY THE SECRETARY,
OFFICE OF THE THRISSUR CORPORATION,
THRISSUR - 680 001.
2. THE LOCAL LEVEL MONITORING COMMITTEE,
THRISSUR CORPORATION,
REPRESENTED BY ITS CONVENER (AGRICULTURAL FIELD OFFICER),
KRISHI BHAVAN, THRISSUR - 680 001.

BY SRI.K.P.VIJAYAN,SC,THRISSUR CORPORATION

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: A TRUE COPY OF THE ORDER DATED 20-07-2013 ISSUED BY THE ASST.EXECUTIVE ENGINEER IN THE OFFICE OF THE 1ST RESPONDENT.
- EXHIBIT P2: A TRUE COPY OF THE ORDER DATED 20-07-2013 REJECTING THE APPLICATION OF THE 2ND PETITIONER ISSUED BY THE ASST. EXECUTIVE ENGINEER IN THE OFFICE OF THE 1ST RESPONDENT.
- EXHIBIT P3: TRUE COPY OF THE APPEAL NO.789/2013 DATED 24-08-2013 FILED BY THE 1ST PETITIONER BEFORE THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS.
- EXHIBIT P4: TRUE COPY OF THE APPEAL NO. 763/2013 DATED 17-08-2013 FILED BY THE 2ND PETITIONER BEFORE THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS.
- EXHIBIT P5: A TRUE COPY OF THE APPLICATION DATED 28-05-2014 SUBMITTED BY MR. A. RAJMOHAN, AMBADI HOUSE, KIZHAKKANPATTUKARA, THRISSUR UNDER RIGHT TO INFORMATION ACT BEFORE THE DISTRICT TOWN PLANNING OFFICER.
- EXHIBIT P6: A TRUE COPY OF THE REPLY DATED 17-06-2014 GIVEN TO EXHIBIT P-5 APPLICATION BY THE DISTRICT TOWN PLANNING OFFICER, THRISSUR.
- EXHIBIT P7: TRUE COPY OF THE REPLY DATED 02.07.2014 GIVEN TO QUESTIONS 2 AND 3 IN EXHIBIT P-5 BY THE FIRST RESPONDENT.
- EXHIBIT P8: A TRUE COPY OF THE COMMUNICATION DATED 14-12-1987 ISSUED BY THE THRISSUR URBAN DEVELOPMENT AUTHORITY REFUSING PERMISSION FOR CONSTRUCTION OF RESIDENTIAL BUILDING TO SRI. P. PRABHAKARAN.
- EXHIBIT P9: A TRUE COPY OF THE COMMUNICATION DATED 6-11-2012 GIVEN BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, AYYANTHOLE TO SRI. A SURENDRANATH, AMBADI HOUSE, KIZHAKKUMPATTUKARA.
- EXHIBIT P10: A TRUE PHOTO COPY OF THE GAZETTE NOTIFICATION REGARDING THE FINAL FAIR VALUE OF THE LAND IN SY.NO. 336 OF THE AYYANTHOL VILLAGE.
- EXHIBIT P11: A TRUE COPY OF THE APPLICATION DATED 15-10-2012 SUBMITTED TO THE SECRETARY, THRISSUR CORPORATION BY SRI. A. RAJMOHAN.

EXHIBIT P12: TRUE COPY OF THE REPLY DATED 14-11-2012 GIVEN TO EXHIBIT P-11 BY THE PUBLIC INFORMATION OFFICER/EXECUTIVE ENGINEER, THRISSUR CORPORATION.

EXHIBIT P13: A TRUE COPY OF THE COMMUNICATION DATED 23-11-2012 GIVEN BY THE HEALTH OFFICER, THRISSUR CORPROATION, AYYANTHOLE REGION.

EXHIBIT P14: A TRUE COPY OF THE APPLICATION DATED 15-10-2012 SUBMITTED TO THE TAHSILDAR, THRISSUR TALUK BY SHRI. K.N. DAYANANDAN.

EXHIBIT P15: TRUE COPY OF THE REPLY DATED 9-11-2012 GIVEN TO EXHIBIT P-14 UNDER THE RTI ACT BY THE VILLAGE OFFICER, AYYANTHOLE.

EXHIBIT P16: A TRUE COPY OF THE ORDER DATED 30-04-2014 IN APPEAL NO.789/2013 FILED BY THE FIRST PETITIONER.

EXHIBIT P17: A TRUE COPY OF THE ORDER DATED 30-04-2014 IN APPEAL NO.763/2013 FILED BY THE 2ND PETITIONER.

EXHIBIT P18: A TRUE COPY OF THE APPLICATION DATED 02-06-2014 SUBMITTED BY THE FIRST PETITIONER BEFORE THE CONVENER, LOCAL LEVEL MONITORING COMMITTEE.

EXHIBIT P19: TRUE COPY OF THE COMMUNICATION DATED 13-02-2015 SENT TO THE 1ST PETITIONER BY THE FIRST RESPONDENT.

EXHIBIT P20: TRUE COPY OF THE COMMUNICATION DATED 13-02-2015 SENT TO THE 2ND PETITIONER BY THE FIRST RESPONDENT.

EXHIBIT P21: A TRUE COPY OF THE DECISION OF THE LOCAL LEVEL MONITORING COMMITTEE DATED 16-09-2014 REFERRED TO IN EXTS.P-19 & P-20 ALONG WITH THE COVERING LETTER DATED 31-12-2014.

EXHIBIT P22: A TRUE PHTOOCOPY OF THE BUILDING PERMIT DATED 04-05-2013 ISSUED BY THE THRISSUR CORPORATION TO SRI. PRABHAKARA MENON.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

V. CHITAMBARESH, J.

W.P.(C) No. 15526 of 2015

Dated this the 29th day of October, 2015

JUDGMENT

The petitioners lament that the alleged inspection by the Local Level Monitoring Committee was without notice to them. The petitioners have a contention that all the neighboring property have been developed and buildings constructed. They rely on the judgment dated 13.07.2015 in W.P.(C).No.15449/15 of a nearby property.

2. I do feel that the ground realities had not been assessed before passing orders on the application for building permit. The petitioners should be put on notice and heard in the exercise. Sufficient opportunity should be afforded before any inspection and the state of affairs in the neighbouring property should be noticed.

3. I therefore quash Exts. P19 and P20 orders and

direct the first respondent to pass orders anew. The same shall be done within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of.

Sd/-
**V. CHITAMBARESH
JUDGE**

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