

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

WP(C).No. 15760 of 2015 (T)

PETITIONER:

**H. SURENDRANATH MALLAYA,
S/O. HARI MALLAYA, AGED 69 YEARS,
HOUSE NO. 12/549, PANDIKKUDY ROAD,
KOCHI-2.**

**BY ADVS.SRI.C.A.CHACKO,
SMT.C.M.CHARISMA.**

RESPONDENTS:

- 1. CORPORATION OF KOCHI,
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE, ERNAKULAM-682 011.**
- 2. THE SECRETARY,
CORPORATION OF KOCHI,
CORPORATION OFFICE, ERNAKULAM-682 011.**
- 3. THE SUPERINTENDENT,
ZONAL OFFICE, CORPORATION OF KOCHI,
MATTANCHERY-682 002.**

**BY ADVS. SRI.V.E.ABDUL GAFOOR, SC,
SRI.P.K.SOYUZ,SC.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1- TRUE COPY OF NOTICES ISSUED UNDER THE KERALA LAND ACQUISITION ACT.
- EXHIBIT P2- TRUE COPY OF COMMUNICATION DATED 07-09-2002 FROM DISTRICT COLLECTOR, ERNAKULAM.
- EXHIBIT P3- TRUE COPY OF THE SKETCH PREPARED BY THE TALUK SURVEYOR.
- EXHIBIT P4- TRUE COPY OF THE NOTICE DATED 01-11-2013 ISSUED BY TALUK SURVEYOR.
- EXHIBIT P5- TRUE COPY OF THE SITE PLAN OF PROPOSED COMPOUND WALL.
- EXHIBIT P6- TRUE COPY OF THE REPRESENTATION DATED 04-03-2015 MADE BEFORE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

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W.P.(C) No.15760 of 2015 (T)

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Dated this the 8th day of July, 2015

JUDGMENT

The non consideration of the petitioner's application for permit to construct a compound wall by the respondents, is the cause of action for this writ petition.

2.The petitioner and his sisters and brothers are the owners in possession of 28 cents of land comprised in survey No.134/1 of Rameswaram Village. The property has already measured by the Taluk Surveyor, Kochi and it is having well demarcated boundaries.

3.The petitioner made application before the respondents for permit with Ext.P5 site plan of the proposed compound wall, Ext.P3 sketch, documents to prove ownership and also remitted application fee and submitted Ext.P6 request to issue permit.

4.Since the area is coming under the 3rd respondent, the application was submitted through the 3rd respondent and

the 3rd respondent forwarded the same to 2nd respondent. In spite of lapse of more than two months no steps have been taken by the 2nd respondent to issue permit to the petitioner.

5.I have heard the learned counsel for the petitioner and the learned Standing counsel for the respondents.

Considering the nature of relief sought for and the nature of submissions, the respondent Corporation is directed to consider Ext.P6 representation within a period of two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.V.RAMAKRISHNA PILLAI, JUDGE

AMV/09/07/