

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).No. 17087 of 2015 (I)

PETITIONER(S) :

**SUJITH SREENIVASAN,
S/O.SREENIVASAN, KAKKANATT HOUSE,
HOUSE NO.6/550/2, MOTHER LAND, CHEROOR P.O.,
THRISSUR- 680 008.**

**BY ADVS.SRI.K.B.GANGESH
SMT.SMITHA CHATHANARAMBATH**

RESPONDENT(S) :

- 1. CORPORATION OF THRISSUR,
REPRESENTED BY ITS SECRETARY
THRISSUR- 680 001.**
- 2. THE SECRETARY,
CORPORATION OF THRISSUR, THRISSUR- 680 001.**
- 3. THE ASSISTANT ENGINEER,
CORPORATION OF THRISSUR, OLLUKKARA ZONAL OFFICE,
THRISSUR- 680 001**

**BY ADV. SRI.K.P.VIJAYAN, S.C,
ADV. SRI.V.N.HARIDAS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF COMMUNICATION DATED 28/01/2015 ISSUED BY
THE 3RD RESPONDENT**
- P2: TRUE COPY OF THE DOCUMENTS FURNISHED BY THE PETITIONER
ALONG WITH COVERING LETTER DATED 04/03/2015.**
- P3: TRUE COPY OF THE RECEIPT DATED 04/03/2015 ISSUED BY THE OFFICE
OF THE 1ST RESPONDENT ACKNOWLEDGING EXT P2.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J

WPC No.17087 of 2015

Dated this the 18th day of June, 2015

JUDGMENT

The petitioner is aggrieved by the inaction on the part of the respondents in considering the application for building permit.

2. The petitioner and three others had jointly applied for building permit for construction of a convention hall before the first respondent on 13.1.2015. Certain defects were noted in the application by the third respondent and the same were sought to be cured vide Ext.P1 communication. The defects were cured and relevant documents were submitted before the third respondent on 4.3.2015 vide Ext.P2. Even though the defects were cured as early as on 4.3.2015, building permit has not been granted by the respondents till date.

3. According to the petitioner, as per Rule 11 of

the Kerala Municipality Building Rules, the Secretary is the officer empowered to issue building permit. As per Rule 14 of the aforesaid Rules, decision on an application of building permit has to be taken by the Secretary within a period of one month from the date of receipt of application. The decision on the petitioner's application is understood to be delayed for the reason that the documents submitted before the third respondent has not been transmitted to the second respondent. It is with this background, the petitioner has come up before this Court.

4. I have heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. As it is submitted that the petition is in the hands of the respondent Corporation at present, there cannot be any legal hurdle for considering the petitioner's application for building permit.

Therefore, this writ petition is allowed directing the respondent Corporation to consider and pass orders on the application of the petitioner for

building permit pertaining to file No.0LK3/BA/229/14-15 within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition, copy of the judgment as well as a copy of the application for building permit before the respondent Corporation.

**sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

CSS/

true copy

P.S.TO JUDGE