

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WP(C).No. 17158 of 2015 (T)

PETITIONER(S) :

ST. MARY'S SCHOOL,
THAMALAM, POOJAPPURA, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGER, SR.ANI MUS,
THROUGH POWER OF ATTORNEY HOLDER, SR.REMY.

BY ADVS.SRI.M.SREEKUMAR
SRI.A.ABDUL KHARIM

RESPONDENT(S) :

1. CORPORATION OF THIRUVANANTHAPURAM,
REPRESENTED BY SECRETARY, CORPORATION OFFICE,
THIRUVANANTHAPURAM - 695 001.
2. SECRETARY,
CORPORATION OF THIRUVANANTHAPURAM,
CORPORATION OFFICE, THIRUVANANTHAPURAM - 695 001.
3. ASSISTANT ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM CORPORATION,
THIRUVANANTHAPURAM - 695 001.

BY SRI.P.K.MANOJKUMAR, SC, TVPM CORPORATION.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ivs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1 - TRUE COPY OF THE BUILDING PERMIT NO.TP5/BA/1323/06 DATED
13.7.06 ISSUED BY THE 2ND RESPONDENT.

EXT. P2 - TRUE COPY OF THE NOTICE NO. TP-E8/120/52/13 DATED 6.3.14
ISSUED BY THE 3RD RESPONDENT.

EXT. P3 - TRUE COPY OF THE CERTIFICATE NO.KBT 27/2013-2014 DATED
14.3.2014 ISSUED BY AGRICULTURAL OFFICER, KRISHI BHAVAN,
CORPORATION OF THIRUVANANTHAPURAM.

EXT. P4 - TRUE COPY OF ORDER IN APPEAL NO.358/2014 DATED 17.7.2014
OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS,
THIRUVANANTHAPURAM.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.17158 of 2015

Dated this the 9th day of June, 2015.

JUDGMENT

Alleging that the second respondent had not passed any orders as directed by the Tribunal in Ext.P4 order, the petitioner has come up before this Court.

2. The petitioner school is run by an educational trust by name Sacred Heart Jyothi Province. The Provincial is the Manager of the School. The petitioner alleges that they own and possess an extent of 1 Acre 13.5 cents in Sy.No.2191/3 of Thirumala Village. The petitioner applied for permission for construction of a residential building in the property and the second respondent issued Ext.P1 for construction of a special residential building. Accordingly, the petitioner completed the construction of the building and it was numbered as TC 19/1083 (8). The petitioner alleges that they wanted to run the Upper Primary Section of the School in the building and accordingly the petitioner submitted application for

regularisation of the construction for obtaining change of occupancy. The third respondent rejected the application by Ext.P2 order on the ground that the property is included in green strip as per the master plan and change of occupancy cannot be regularised. It is further alleged that the petitioner approached the Tribunal challenging Ext.P2 and the Tribunal directed the second respondent to reconsider the application. But so far the second respondent did not pass any orders as directed by the Tribunal.

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

As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent Corporation to pass an early order on Ext.P4, this writ petition is disposed of directing the respondent Corporation to consider and pass appropriate orders on Ext.P4 within a period of one month from the date of receipt of a copy

of this judgment, after affording the petitioner and affected parties, an opportunity of being heard. It is open to the petitioner to produce a copy of this judgment and a copy of this writ petition to the respondent Corporation to facilitate an early action.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.