

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 17497 of 2014 (J)

PETITIONER(S):

- 1. THACHANGODAN HAMZA HAJI, AGED 51 YEARS,
S/O THACHANGODAN, MUHAMMED HAJI, PANDALLUR AMSOM,
DESOM, ERNAD TLAUK, MALAPPURAM DISTRICT**
- 2. ABDUL NASAR, AGED 45 YEARS,
S/O MANCHIRI MOIDEENKUTTY KURIKKAL,
PAYYANAD AMSOM DESOM, MANJERI VIA, ERNAD TALUK,
MALAPPURAM DISTRICT**

BY ADV. SRI.RAJESH NAMBIAR

RESPONDENT(S):

- 1. DISTRICT TOWN PLANNER,
MALAPPURAM - 676 121.**
- 2. MANJERI MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MANJERI MUNICIPALITY,
MANJERI - 676121.**

R2 BY SRI.K.SHIBILI NAHA, SC

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 17497 of 2014 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PLAN SUBMITTED BY THE PETITIONER .

**EXHIBIT P2: TRUE COPY OF THE INTIMATION NO E3-15061/13 DATED 08-11-2013
ISSUED BY THE 2ND RESPONDENT.**

**EXHIBIT P3: TRUE COPY OF THE REVISED PLAN SUBMITTED MARKING THE ROAD\
WIDENING PROPOSED AS PER THE D.T.P SCHEME.**

**EXHIBIT P4: TRUE COPY OF THE COMMUNICATION/ NOTICE NO E3 15061/13
DATED 05-12-2013 TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 17497 of 2014

Dated this the 23rd day of January, 2015

JUDGMENT

In the light of the ratio laid down in **Raju S. Jethmalani and Others v. State of Maharashtra and others** [2005 (11) SCC 222], the present writ petition is also disposed of on the same lines, applying the ratio laid down by the learned Division Bench in the said decision and thereby quashing Exhibit P4.

Consequently, the second respondent is directed to consider the application of the petitioner for building permission afresh, if necessary, by referring the matter to the first respondent, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within a period of six weeks from the date of receipt of a copy of this judgment.

DAMA SESHADRI NAIDU
JUDGE

DMR/-