

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 193

WP(C).No. 18223 of 2015 (C)

PETITIONER(S) :

**ROBERT F.,
KODAMVILA VADAKKATHIL HOUSE, ARINALLOOR P.O.
THEVALAKKARA, KOLLAM.**

**BY DR.K.P.SATHEESAN (SENIOR ADVOCATE)
ADVS. SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN**

RESPONDENT(S) :

- 1. KOLLAM CORPORATION,
REPRESENTED BY THE SECRETARY, CORPORATION OFFICE,
KOLLAM -691 001.**
- 2. THE SECRETARY,
KOLLAM CORPORATION, CORPORATION OFFICE,
KOLLAM-691 001.**
- 3. THE EXECUTIVE ENGINEER,
KOLLAM CORPORATION, CORPORATION OFFICE,
KOLLAM-691 001.**

BY ADV. SRI.M.K.CHANDRA MOHAN DAS, S.C

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXHIBIT-P1: TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, KOLLAM EAST VILLAGE DATED 11/06/2014.**
- EXHIBIT-P2: TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT DATED 20/02/2014.**
- EXHIBIT-P3: TRUE COPY OF THE BUILDING PERMIT GIVEN BY THE 2ND RESPONDENT DATED 05/04/2005.**
- EXHIBIT-P4: TRUE COPY OF THE SKETCH OF THE ENTIRE AREA INCLUDING THE PROPERTY BELONGING TO THE PETITIONER.**
- EXHIBIT-P5: TRUE COPY OF THE QUESTION AND ANSWER UNDER RIGHT TO INFORMATION ACT DATED 23/05/2014 GIVEN BY THE 2ND RESPONDENT.**
- EXHIBIT-P6: TRUE COPY OF THE COMMUNICATION NO. PW10/MO1/BA/12/13-14 DATED 02/06/2015 ISSUED BY THE 3RD RESPONDENT.**
- EXHIBIT-P7: TRUE COPY OF THE MASS PETITION DATED 02/06/2014.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18223 of 2015

Dated this the 6th day of July, 2015

J U D G M E N T

The petitioner is aggrieved by the non issue of building permit by the respondent corporation.

2. The petitioner, who is the owner in possession of a property having an extent of 5 Ares 26m² comprised in R.S.No.56/2 of Kollam East Village in Kollam Taluk within the local limits of the respondent corporation, submitted an application for building permit for constructing a residential building. As there was delay in considering the said application, he had approached this Court with WP(C) No.11200/2015; and as directed by this Court, the 3rd respondent issued Ext.P6 communication dated 02.06.2015, directing the petitioner to avoid the alignment of the link road and to submit a fresh application. According to the petitioner, as per the sketch, the alignment does not pass through the property of the petitioner. Hence, the petitioner has again approached this Court.

3. Arguments have been heard.

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4. The learned Standing Counsel for the respondent corporation, on instructions, submitted that the proposal of construction of link road by the respondent corporation is under active consideration and the same would be implemented soon.

5. However, the learned counsel for the petitioner submitted that the petitioner is ready to undertake before the respondent corporation that he would demolish the building without claiming any additional compensation in the event of implementation of the proposal if the link road proposed to be laid down, passes through the petitioner's property.

Recording the submission, the writ petition is disposed of directing the respondent corporation to issue building permit to the petitioner, provided the application is otherwise in order, after getting an undertaking from the petitioner as above within a period of three weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-