

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937**

**WP(C).No. 19070 of 2015 (G)**  
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**PETITIONER(S):**  
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**JOJO JOSEPH MENONVEEDU, AGED 48 YEARS,  
S/O.JOSEPH MENONVEEDU, 9D, AMBER PARK APARTMENT,  
CANNON SHED ROAD, KOCHI.**

**BY ADVS.SRI.R.SANJITH,  
SMT.C.S.SINDHU KRISHNAH.**

**RESPONDENT(S):**  
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- 1. CORPORATION OF COCHIN,  
PARK AVENUE, ERNAKULAM,  
REPRESENTED BY IT SECRETARY, PIN-682 011.**
- 2. THE SECRETARY,  
CORPORATION OF KOCHI,  
PARK AVENUE, ERNAKULAM- 682 011.**
- 3. AMBER PARK APARTMENT OWNERS ASSOCIATION,  
CANNON SHED ROAD, KOCHI,  
REPRESENTED BY ITS SECRETARY, PIN-682 003.**

**R1 & R2 BY ADV. SRI.P.K.SOYUZ, SC.  
ADV. SRI.K.J.MANU RAJ.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**rs.**

WP(C).No. 19070 of 2015 (G)

**APPENDIX**

**PETITIONER'S EXHIBITS:-**

- P1: TRUE COPY OF THE RELEVANT PAGES REGISTERED SALE AGREEMENT DATED 25.08.2006 BEARING NO.5832/2006 OF SRO, ERNAKULAM.
- P2: TRUE COPY OF THE NOTICE DATED 15.06.2015 BEARING NO. MOPI/20082/15.
- P3: TRUE COPY OF THE CARGO ARRIVAL NOTICE DATED 17.06.2015.
- P4: TRUE COPY OF THE REPLY DATED 18.06.2015.
- P5: TRUE COPY OF THE RECEIPT DATED 19.06.2015.

**RESPONDENT'S EXHIBITS:-** NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

**A.V. RAMAKRISHNA PILLAI, J.**

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W.P.(C) No. 19070 of 2015  
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Dated this the 29<sup>th</sup> day of June, 2015.

**JUDGMENT**

The petitioner is aggrieved by Ext.P2 notice issued in the name of the brother-in-law and one worker.

2. The petitioner is in ownership, possession and enjoyment of flat No.9D of Amber Park Apartments. The petitioner alleges that he is a businessman having various business interests in the Middle East and he visits Kerala intermittently. The aforesaid apartment complex is more than 15 years old. The apartment 9D was purchased by the petitioner in the year 2006 and was lying mostly unoccupied thereafter as the petitioner was engaged in his business in the Middle East. The petitioner visits and occupies his apartment whenever he is Kerala. Recently, the petitioner noticed leakage in the bathroom fittings, pipes and also that most of the electrical fittings were faulty. Thus, with the bonafide intention of carrying out the maintenance and repair works,

the petitioner engaged certain labourers from outside State. Matters being so, certain occupants of the apartment complex started interfering with the works carried on in the petitioner's apartment by imposing unreasonable conditions and demands. Other apartment owners have also modified their apartments and are enjoying the same without any interference from other residents in the apartment. Consequently, to the utter surprise and dismay of the petitioner, Ext.P2 notice was seen affixed on the door of his apartment addressed to one Chacko Marattukulam/Shailajan (former is his brother in law who was supervising the works and latter is his labourer) intimating that the works in the apartment has to stop forthwith for the alleged reasons contained therein. Ext.P2 notice was replied promptly and since there was no further intimation, the maintenance works were resumed. The petitioner has imported bathroom fittings, electrical fittings, furniture and the same has arrived at Cochin on 17.6.2015. The petitioner bonafidely understands that no manner of prior permission is required

from the statutory authorities for carrying out maintenance and repair works in his apartment. It is with this background, the petitioner has come up before this Court.

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

4. The learned Standing Counsel would submit that Ext.P2 is an appealable order and even now he can challenge the same before the Tribunal.

5. It is pointed out by the learned counsel for the petitioner that the notice was not issued in his name and therefore the notice itself is illegal.

Therefore, the writ petition is disposed of directing the respondents 1 and 2 to issue a fresh notice in the name of the petitioner, if they have a case that the petitioner has violated any provisions of the Kerala Municipality Building Rules, after conducting a site inspection in the matter. If the petitioner is aggrieved by such notice, it shall be open to the petitioner to

take appropriate legal remedy against the notice along with complaint if any. Till that, there shall not be any restriction on the maintenance work undertaken by the petitioner.

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

Scl.