

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

WP(C).No. 19682 of 2015 (I)

PETITIONER :

**K.HAMZA, AGED 54 YEARS,
S/O.ABDURAHIMAN, KUTTIKATTIL HOUSE,
NARUKARA P.O., MANJERI, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.VENUGOPAL
SMT.T.J.MARIA GORETTI**

RESPONDENT(S):

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

R1 & R2 BY SRI.K.SHIBILI NAHA, SC, MANJERI MUNICIPALITY

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE BUILDING PERMIT DATED 17/12/2002 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER
- EXT.P2. TRUE COPY OF THE PHOTOGRAPH SHOWING THE FRONT SIDE OF THE BUILDING
- EXT.P3. TRUE COPY OF THE PHOTOGRAPH SHOWING THE TEMPORARY ARRANGEMENTS/CONSTRUCTIONS MADE BY THE PETITIONER
- EXT.P4. TRUE COPY OF THE ORDER DATED 22/5/2015 PASSED BY THE SECOND RESPONDENT
- EXT.P5. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE SECOND RESPONDENT ON 4/6/2015.
- EXT.P6. TRUE COPY OF THE NOTICE DATED 17/6/2015 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER
- EXT.P7. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE SECOND RESPONDENT ON 22/6/2015.
- EXT.P8. TRUE COPY OF THE ORDER DATED 23/6/2015 PASSED BY THE SECOND RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA.TO JUDGE

A.V.RAMAKRISHNA PILLAI, J.

=====

W.P(C) No.19682 of 2015

=====

Dated this the 17th day of July, 2015

JUDGMENT

Apprehending action on the part of the respondent municipality in demolishing the additional construction made on the cellar floor of the petitioner's building, the petitioner has come up before this Court.

2. The petitioner alleges that he had completed the construction of a three storeyed building on the basis of the building permit issued by the second respondent. The cellar area was planned to fill with soil. Owing to the non-availability of the soil and the huge expenses required, the cellar area was left unfilled.

3. Later, the petitioner made some temporary arrangements in the cellar area by covering it with sheets so as to make it usable for dining purpose. The second respondent was directed to move the additional arrangements/constructions. The petitioner further alleges that as there is no violation of any of the statutory provisions and

there are no endangering situations, the additional arrangements are eligible to be regularised. The petitioner expressed its willingness to get it regularised and requested 30 days time to submit necessary application.

4. The grievance of the petitioner is that ignoring the explanations offered and the request made by him, the second respondent passed Ext.P8 order for revocation of the occupancy certificate and also for disconnection of the electricity/water connections to the building, the petitioner has approached this Court.

5. Arguments have been heard.

6. Today when the matter came up for hearing, it was submitted by the learned counsel for the petitioner that the petitioner has submitted an application for regularisation of the construction before the municipality along with revised plan. Therefore, the learned counsel would submit that the writ petition can be disposed of by giving a direction to the respondent municipality to consider the application for regularisation.

In the light of the said submission, the writ petition is disposed of directing the respondent to consider the application for regularization submitted by the petitioner after affording the petitioner an opportunity of being heard within a period of two weeks from the date of receipt of a copy of this judgment.

Till that exercise is completed, the existing state of affairs shall continue.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj