

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 20072 of 2015 (H)

PETITIONER:

**T.P.BASHEER, AGED 52 YEARS,
S/O. MAMMADKOYA, THAYYILPURAYIL VEEDU,
OPPOSITE LAW COLLEGE, VELLIMADUKUNNU,
KOZHIKODE-673012.**

BY ADV. SMT.SARITHA DAVID CHUNKATH

RESPONDENT(S):

- 1. THE CORPORATION OF CALICUT,
REPRESENTED BY ITS SECRETARY,
KOZHIKODE-673001.**
- 2. THE KERALA STATE WAKF BOARD,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
WAKF BOARD OFFICE, V.I.P.ROAD, KALOOR,
KOCHI-682017.**
- 3. K.SAIDU, AGED 57 YEARS, S/O. CHEKKU,
EZHUTHACHAN KANDIN PARAMBA,
VELLIMADIKUNNU, MARIKUNNU P.O.,
KOZHIKODE-673012.**

**R1 BY SRI.K.D.BABU, SC
R2 BY SRI.K.SHIBILI NAHA, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1- TRUE COPY OF ORDER DT. 12-06-2013 IN A 296/2013 IN OA 9/2013.
- EXHIBIT P2- TRUE COPY OF REPRESENTATION DT. 04-07-2014 MADE BY THE PETITIONER.
- EXHIBIT P3- TRUE COPY OF THE RECEIPT AND OBJECTION BY THE 1ST RESPONDENT TO THE APPLICATION MADE BY THE 3RD RESPONDENT FOR PERMISSION FOR MODIFICATION.
- EXHIBIT P4- TRUE COPY OF THE APPLICATION DT. 16-08-2014 UNDER RTI ACT.
- EXHIBIT P5- TRUE COPY OF REPLY DT. 11-09-2014 TO THE QUERIES MADE UNDER RTI ACT.
- EXHIBIT P6- TRUE COPY OF THE COMMUNICATION DT. 26-09-2014 TO RTI DEPARTMENT.
- EXHIBIT P7- TRUE COPY OF REPRESENTATION DT. 6-6-2015 MADE BY THE PETITIONER.
- EXHIBIT P8- TRUE COPY OF THE ORDER DT. 05-04-2014 DENYING SANCTION FOR CONSTRUCTION TO THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.20072 of 2015

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Dated this the 3rd day of July, 2015

JUDGMENT

The petitioner is seeking an interference of this Court alleging that there is inaction on the part of the first respondent in stopping the alleged unauthorised constructions undertaken by the third respondent.

2. The petitioner is a resident of first respondent corporation. An old building situated adjacent to the petitioner's residence comprised in 2.25 cents of land is being demolished/renovated/ altered and new constructions are made without any legal sanctity by the third respondent in violation of the building rules. The unscientific demolitions are causing threat to the life and property of the petitioner and his family, and the constructions are hindering passage of light and air thereby denying him, his right to have a decent living environment.

3. The petitioner preferred several petitions to the statutory authority, the first respondent. However, it could not evoke any positive response. It is with this background, the petitioner has come up with this writ petition.

4. I have heard the learned counsel for the petitioner, the learned standing counsel for the respondent corporation and the learned standing counsel for the Wakf Board.

5. After hearing both sides for some time, the learned counsel for the petitioner confined her argument to the limited prayer for a direction to the respondent corporation to consider Exts.P2 and P7 representations now pending before it within a time frame. In the light of the said submission, this Court is of the view that the writ petition can be disposed of even without issuing notice to the party respondents.

Therefore, the writ petition is disposed of directing the first respondent corporation to consider and dispose of Exts.P2 and

P7 representations pending before them after affording the petitioner and affected parties, including the party respondents, an opportunity of being heard within two weeks from the date of receipt of a copy of this judgment.

To facilitate early action, it shall be open to the petitioner to produce a copy of this judgment as well as copy of the writ petition before the respondent at the earliest.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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