

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 20170 of 2015 (U)

PETITIONER(S) :

**K.C.SHAMEER, AGED 32 YEARS,
S/O.MOOSAKKUTTY, SHEMIGALAR, THEKKILANGADI,
KOOOTHAPARAMBU POST-670 643.**

**BY ADVS.SRI.SHERRY J. THOMAS
SRI.E.K.AVINASH**

RESPONDENT(S) :

**KOOOTHUPARAMBU MUNICIPALITY REPRESENTED BY ITS SECRETARY,
MUNICIPAL OFFICE, KOOOTHUPARAMBU, KANNUR-670 643.**

BY ADV. SRI.P.V.SURENDRANATH

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: THE TRUE COPY OF THE BUILDING PERMIT DATED 29.08.2013.

**EXHIBIT P2: THE TRUE COPY OF THE APPLICATION DATED 14.01.2015
SUBMITTED FOR TRANSFER OF PERMIT.**

**EXHIBIT P3: A TRUE COPY OF THE INTIMATION DATED 25.03.2015 ISSUED
RESPONDENT AS SHOW CAUSE NOTICE.**

**EXHIBIT P4: A TRUE COPY OF THE REPLY DATED 15.05.2015 GIVEN BY
THE PETITIONER.**

**EXHIBIT P4A: A TRUE COPY RECEIPT FOR THE REPLY DATED 15.05.2015 GIVEN
BY THE RESPONDENT.**

**EXHIBIT P5: A TRUE COPY THE ADDITIONAL REPLY DATED 30.06.2015
SUBMITTED TO THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 20170 of 2015

Dated this the 4th day of August, 2015.

JUDGMENT

The petitioner is aggrieved by the non-consideration of his application for transfer of building permit.

2. The petitioner along with his relatives are the joint owners in the possession of 13.35 Ares of property comprised in Survey No. 68/2 of Koothuparambu Village, Thalassery Taluk, Kannur District. The petitioner alleges that a building permit B.A.397/11-12 dated 29.05.2013 valid up to 28.08.2016 was issued in favour of the predecessors of the petitioner and other owners by respondent for construction of a commercial building in accordance with the approved plan. The petitioner further alleges that he and other joint owners preferred an application before the respondent for transferring the building permit in their favour. The transferor also moved necessary papers for effecting the transfer in the name of present owners of the property. (Ext.P2). However, without

taking any action upon the application submitted by the petitioner, the respondent issued an intimation to the petitioner in the form of a show cause notice to state the reasons for not cancelling already issued building permit. It was a surprise to the petitioner and he submitted a reply to Ext.P3 requesting to state the reasons for the show cause notice. The petitioner further alleges that as per the provision of Rule 21 of KMBR, the respondent is bound to consider the application for transfer within 15 days in accordance with law. The transferor also gave enough instructions for transfer and there is no objection of dispute from any side. Since the work is delayed, the Petitioner is put to difficulties. 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 in the matter.

As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to consider

Ext.P2 in accordance with law, the writ petition is disposed of, if the same has not already been disposed of, directing the respondent municipality to consider and pass appropriate orders on Ext.P2, after affording the petitioner an opportunity of being heard, after concluding any action on Ext.P3, within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.