

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

WP(C).No. 20287 of 2015 (I)

PETITIONER(S) :

**SONU, AGED 24 YEARS,
S/O.THE LATE SURENDRAN, POIKAVILA VEEDU,
KARARA-MADATHARA P.O, KOLLAM DISTRICT, PIN- 689 643.**

**BY ADVS.SRI.C.S.MANU
SRI.S.K.PREMRAJ**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF KERALA
TOWN PLANNING DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN- 695 001.**
- 2. THE CHIEF TOWN PLANNER,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM, PIN- 695 001.**
- 3. THE TOWN PLANNER,
KOLLAM, KOLLAM DISTRICT, PIN- 691 001.**
- 4. KULATHOOPUZHA GRAMA PANCHAYAT,
KULATHOOPUZHA P.O, KOLLAM DISTRICT, PIN- 691 310.**
- 5. INDIAN OIL CORPORATION LTD.,
PANAMPILLY AVENUE, PANAMPILLY NAGAR, KOCHI,
ERNAKULAM DISTRICT, PIN- 682 036,
REPRESENTED BY ITS CHIEF AREA MANAGER.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.THOMAS JOHN AMBOOKAN
R4 BY ADV. MANOJ RAMASWAMY
R5 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 20287 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE LETTER OF INDENT BEARING
REF NO.2014/IN 000374/KER/000013/4211/00009 DATED 28-08-2014
ISSUED BY THE 5TH RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF THE ORDER NO C3-1195/15/D.DIS
DATED 06-03-2015 ISSUED BY THE 2ND RESPONDENT.**

**EXHIBIT P3: TRUE COPY OF THE JUDGMENT DATED 17-01-2014 IN
W.P.(C).NO.856 OF 2014 PASSED BY THIS HON'BLE COURT.**

**EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 02-09-2014 IN
W.P.(C).NO.23120 OF 2014 PASSED BY THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.20287 of 2015

Dated this the 25th day of September, 2015

J U D G M E N T

The petitioner has approached this Court aggrieved by Condition No.5 in Ext.P2 order of the Chief Town Planner, Thiruvananthapuram. By Ext.P2 order, the petitioner has been directed to obtain NOC from the nearby residents of proposed gas godown.

2. In view of the judgment of this Court in W.P.(C) No. 856/2014 and W.P.(C) No.23120/2014, this Court is of the view that the requirement in the condition No.5 in Ext.P2 is unsustainable. Accordingly, condition No.5 in Ext.P2 is set aside in the light of the above judgments.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/