

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 20297 of 2015 (J)

PETITIONER(S) :

**M.UNNIKRISHNAN, AGED 50 YEARS,
S/O.C.S.VARIYAR, MANKULANGARA VARIYAM, PANDAMANGALAM,
KOTTAKKAL, MALAPPURAM.**

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENT(S) :

- 1. KOTTAKKAL MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, KOTTAKKAL,
MALAPPURAM - 676 503.**
- 2. THE SECRETARY,
KOTTAKKAL MUNICIPALITY, KOTTAKKAL,
MALAPPURAM - 676 503.**

BY ADV. SRI.E.S.M.KABEER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P-1: TRUE COPY OF THE RECEIPT DATED 06.05.2015 ISSUED BY THE VILLAGE OFFICER, KOTTAKKAL.**
- EXT.P-2: TRUE COPY OF THE NOTICE NO.PW1/41650/15 DATED 20.04.2015 ISSUED BY THE 2ND RESPONDENT.**
- EXT.P-3: TRUE COPY OF THE ORDER NO.PW1-41650/15 DATED 20.04.2015 ISSUED BY THE 2ND RESPONDENT.**
- EXT.P-4: TRUE COPY OF THE RECEIPT DATED 06.05.2015 EVIDENCING THE RECEIPT OF BUILDING PERMIT APPLICATION ISSUED BY THE 1ST RESPONDENT.**
- EXT.P-5: TRUE COPY OF THE REPRESENTATION DATED 22.06.2015 BEFORE THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 20297 of 2015

Dated this the 14th day of July, 2015.

JUDGMENT

Alleging inaction on the part of the respondent in considering the petitioner's application for renovation of his family temple, the petitioner has come up before this Court.

2. The petitioner is in possession and ownership of 7.5 cents of property and residential building in Sy.No.323/13 of Kottakkal Village. There is a family temple in this property. According to him, when he commenced the work to renovate the old family temple, which is having a plinth area of 3.8 sq.metre, the respondents issued Ext.P2 notice under Section 406(2) of the Municipalities Act. Immediately he stopped the construction. Then he submitted an application for building permit with plan in order to regularise and to proceed further in accordance with law. However, no action was taken by the respondents on his permit application; it is alleged.

3. Heard the learned counsel for the petitioner and the

learned standing counsel for the respondent municipality in the matter.

4. The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent municipality to consider the petitioner's application for renovation after affording him an opportunity of being heard.

Considering the nature of the submissions and the nature of the relief sought for, the writ petition is disposed of directing the respondent municipality to consider the application for renovation, within a period of two weeks from the date of receipt of a copy of this judgment, after affording the petitioner and opportunity of being heard. Till that exercise is completed, the present state of affairs shall continue.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.