

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).No. 20425 of 2015 (C)

PETITIONER :

**MADHU, AGED 50 YEARS,
S/O.THANKAPPAN, RAMANILAYAM,
CHERTHALA P. O., CHERTHALA, ALAPPUZHA**

BY ADV. SRI.P.SHANES METHAR

RESPONDENTS :

- 1. CHERTHALA MUNICIPALITY, CHERTHALA P. O.,
CHERTHALA, REPRESENTED BY ITS SECRETARY,
ALAPPUZHA - 688632,**
- 2. THE SECRETARY,
CHERTHALA MUNICIPALITY, CHERTHALA P O,
CHERTHALA - 688632, ALAPPUZHA**

BY SRI.JOBY CYRIAC,SC,CHERTHALA MUNICIPALITY

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

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE SALE DEED NO 1256/2008 OF SRO CHERTHALA.
- P2:- TRUE COPY OF THE TAX RECEIPT, DTD 27/6/2015.
- P3:- TRUE COPY OF THE NO OBJECTION CERTIFICATE NO V.W.280/NOC/QLN/556
DTD 27/1/2010 ISSUED BY THE DRM (WORKS)
- P4:- TRUE COPY OF THE BUILDING PERMIT NO BA NO 350/10-11 DTD 20/9/2010.
- P5:- TRUE COPY FO THE ORDER DTD 21/11/2014 ISSUED BY THE 2ND
RESPONDENT.
- P6:- TRUE COPY OF THE COMPLETION CERTIFICATE SUBMITTED BY THE
PETITIONER AND LICENSED ENGINEER, DTD 26/3/2015.
- P7:- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR
ASSESSMENT OF THE RESIDENTIAL BUILDING DTD 26/3/2015.
- P8:- TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT EVIDENCING
SUBMISSION OF EXT P6 AND P7 DTD 28/3/2015.
- P9:- TRUE COPY OF THE LETTER NO PWBA 350/10-11 DTD 5/5/2015.
- P10:- TRUE COPY OF THE SITE PLAN SUBMITTED BY THE PETITIONER
ON 15/5/2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 20425 of 2015

Dated this the 7th day of July, 2015

J U D G M E N T

The petitioner is seeking a direction to the respondent municipality to consider Ext.P7 application of the petitioner for assessment of building, which, according to the petitioner, is pending for more than three months.

2. The petitioner together with his wife is the owner in possession of 5.35 ares of property comprised in Sy.No.197/2-2 and 197/24-3 of Cherthala North Village within the local limits of the respondent municipality. The petitioner applied for building permit before the 2nd respondent. As the southern railway is having property on the western side of the petitioner's property, as directed by the 2nd respondent, he obtained No Objection Certificate from the Divisional Manager for issuance of building permit; and accordingly, Ext.P4 building permit

..2..

was granted to the petitioner. However, due to financial constraints, the petitioner could not complete the construction within the time stipulated in the permit; and hence, he sought for extension of time. The 2nd respondent, vide Ext.P5, extended the validity of the permit up to 20.11.2017. The petitioner completed construction in February, 2015; and thereafter, applied for occupancy certificate and also applied for getting the building assessed for property tax so that the same can be used by the petitioner. However, instead of assessing and numbering the building, the petitioner was served with Ext.P9 notice asking to submit a corrected site plan showing the boundary stone of railway as well as that of the national highway; and accordingly, the petitioner submitted Ext.P10 site plan. According to the petitioner, he has no other building of his own and is presently residing in a rented building with his family; and unless the building is assessed and numbered, he cannot apply for amenities such as electric connection, water

..3..

connection etc. Hence, this writ petition.

3. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent municipality.

As the limited prayer in this writ petition is for a consideration of the Ext.P7 application, the writ petition is disposed of directing the respondent municipality to consider and pass appropriate orders after affording the petitioner an opportunity of being heard within a period of three weeks from the date of receipt of a copy of this judgment.

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

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-