

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 20686 of 2015 (I)

PETITIONER(S) :

1. JOSE C.D AGED 40 YEARS
S/O DEVASSYKUTTY, CHEMBAKASSERY HOUSE, THANISSERY
PIN- 680 701, THRISSUR DISTRICT
2. DALY JOSE
W/O.JOSE C.D, CHEMBAKASSERY HOUSE, THANISSERY
PIN- 680 701, THRISSUR DISTRICT

BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.BENOJ C AUGUSTIN
SRI.PRATHAP PILLAI
SRI.SEBIN THOMAS
SMT.J.KASTHURI
SRI.VISHNU BHUVANENDRAN

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001
2. THE IRINJALAKUDA MUNICIPALITY
REPRESENTED BY ITS SECRETARY, 680 121

R2 BY ADV. SRI.K.K.CHANDRAN PILLAI (SR.)
R2 BY ADV. SMT.K.V.SHENU
R2 BY ADV. SMT.S.AMBILY
R2 BY ADV. SRI.ARUN ANTONY
R1 BY ADV.ANITHA RAVINDRAN, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 20686 of 2015 (I)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: TRUE COPY OF POSSESSION CERTIFICATE ISSUED BY THE VILLAGE
OFFICER IRINJALAKUDA
EXT.P2: TRUE COPY OF THE LOCATION SKETCH
EXT.P3: TRUE COPY OF THE PHOTOGRAPHS OF THE PROPERTY SHOWING THE LAY
AND LIE AND THE NATURE OF THE PROPERTY OF THE PETITIONERS
EXT.P4: TRUE COPY OF THE ORDER DT. 16/6/15 ISSUED BY THE IRINJALAKUDA
MUNICIPALITY REJECTING THE APPLICATION OF THE PETITIONERS
EXT.P5: TRUE PHOTOCOPY OF THE JUDGMENT DT. 7/7/14 IN WPC NO. 13529/14
PASSED BY THIS COURT
EXT.P6-TRUE COPY OF THE RELEVANT PAGES OF THE LAND IDENTIFICATION DETAIL

RESPONDENT(S) ' EXHIBITS

NIL

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

W.P(C)NO. 20686 of 2015

Dated this the 18th day of November, 2015

JUDGMENT

The mere fact that the property has been shown as wet land in the possession certificate is not a ground to decline building permit to the petitioner by Ext.P4 order of the second respondent Municipality. The ground realities have to be assessed and as to whether the neighbouring property has been developed wherein structures are put up has to be deciphered.

2. I quash Ext.P4 order and direct the second respondent to reconsider the application for building permit put in by the petitioner after a site inspection done with notice to the petitioner. The exercise as above shall be completed within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

sks

V.CHITAMBARESH, JUDGE