

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C).No. 21184 of 2014 (W)

PETITIONER:

K.M.ANILKUMAR AGED 41 YEARS
S/O. KUMARAN, SREE SADANAM, THIRUVANGADU P.O.
THALASSERY P.O., KANNUR DISTRICT.

BY ADVS.SRI.M.SASINDRAN
SRI.V.VENUGOPAL

RESPONDENTS:

1. THE THALASSERY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, THALASSERY,
KANNUR - 670 101.
2. THE SECRETARY
THALASSERY MUNICIPALITY, THALASSERY, KANNUR - 670 101.
3. THE ASSISTANT ENGINEER,
SOUTH SECTION, THALASSERY MUNICIPALITY,
THALASSERY - 670 101
KANNUR DISTRICT.
4. THE CHIEF TOWN PLANNER,
TOWN AND COUNTRY PLANNING DEPARTMENT,
OFFICE OF THE CHIEF TOWN PLANNER,
THIRUVANANTHAPURAM - 695 001.
5. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM -695 001.

R BY SRI. JUSTIN JACOB, GOVERNMENT PLEADER
R BY SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1-TRUE COPY OF THE SALE DEED BEARING NO. 1589 DATED
31/08/2009 OF THALASSERY SRO.

EXHIBIT-P2-TRUE COPY OF THE BUILDING PLAN SUBMITTED BY THE PETITIONER.

EXHIBIT-P2(a)-TRUE COPY OF THE SITE PLAN SUBMITTED BY THE PETITIONER.

EXHIBIT-P3-TRUE COPY OF THE COMMUNICATION DATED 28/06/2014.

EXHIBIT-P4-TRUE COPY OF THE PHOTOGRAPHS SHOWING THE LIE AND NATURE
OF THE PETITIONER'S PROPERTY.

EXHIBIT-P5-TRUE COPY OF THE JUDGMENT DATED 17/08/2011 IN W.P(C)
7625/2010 AND CONNECTED CASES.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 21184 of 2014

Dated this the 13th day of March, 2015.

JUDGMENT

In the light of the ratio laid down in Ext.P5 judgment dated 17.08.2011, this Court disposes of the writ petition on the same lines applying the ratio laid down by this Court in the said judgment, thereby setting aside Ext.P3.

Consequently, the 2nd respondent is directed to consider the petitioner's application for building permission afresh, if necessary, by referring the matter to the District Town Planner, after subjecting the land in question to physical verification, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

W.P.(C). No.

-2-