

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. 21208 of 2015 (A)

PETITIONER(S) :

**K.V.SIMON, AGED 68 YEARS,
S/O.LATE K.K.VARAPPAN, T.C.NO.54/238, KONIKKARA,
PAPPANCODE, THIRUVANANTHAPURAM, PIN- 695 018.**

BY ADV. SRI.K.B.PRADEEP

RESPONDENT(S) :

- 1. N.KRISHNAN,
T.C.NO.LIV/225-2, NP.10/2077, NITVE BUILDING,
PAPPANCODE, THIRUVANANTHAPURAM, PIN- 695 018.**
- 2. THE CORPORATION OF THIRUVANANTHAPURAM
CORPORATION BUILDINGS, MUSEUM P.O, THIRUVANANTHAPURAM,
PIN- 695 001, REPRESENTED BY ITS SECRETARY.**

R2 BY ADV. SRI.P.K.MANOJKUMAR, S.C,TVPM CORPORATION

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

Msd.

WP(C).No. 21208 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT-P1: TRUE COPY OF THE COMPLAINT DATED 10.06.2015.

**EXHIBIT-P2: TRUE COPY OF THE ORDER DATED 10.06.2015 BY
2ND RESPONDENT.**

**EXHIBIT-P3: TRUE COPY OF THE COUNTER AFFIDAVIT BY 1ST RESPONDENT
DATED 15.06.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 21208 of 2015

Dated this the 14th day of July, 2015

J U D G M E N T

The petitioner is aggrieved by the non consideration of the complaint submitted by him against some illegal construction made by the 1st respondent.

2. The 1st respondent is having some properties on the eastern side of the petitioner's property. Certain portions of the property of the petitioner as well as the 1st respondent were acquired for widening of the national highway. The petitioner alleges that after widening, the highway became elevated and the ground floor of the building of the 1st respondent is now at a lower level and the roof slab of the first floor is at the level of the road. The petitioner admits that there are some boundary disputes between the petitioner and the 1st respondent, which are settled by a compromise decree in an original suit. The petitioner's grievance is that the 1st respondent started construction in his property violating the provisions of the Kerala Municipality Building Rules without leaving essential open space of 2 meters on the eastern side of

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his property. The petitioner alleges that he has made Ext.P1 representation before the 2nd respondent and though Ext.P2 stop memo has been issued, proceedings have not been finalized. It is with this background, the petitioner has come up before this Court.

3. When the matter was came up for hearing, the learned counsel for the petitioner sought a direction to the 2nd respondent to finalize the proceedings after affording the petitioner and the 1st respondent an opportunity of being heard.

4. As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the 2nd respondent, this Court is of the view that the writ petition can be disposed of even without issuing notice to the 1st respondent.

In the result, the writ petition is disposed of directing the respondent corporation to finalize the proceedings pursuant to Ext.P1 complaint after affording the petitioner and the 1st respondent an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-