

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 21948 of 2014 (P)

PETITIONER(S):

**BABY SAROJAM AGED 78 YEARS
W/O.RAGANDHA PROABHU, HOUSE NO.8/122, SOUTH CHERLAI
MATTANCHERRY VILLAGE, KOCHI TALUK.**

**BY ADVS.SRI.K.G.SARATHKUMAR
SRI.S.RAJKUMAR**

RESPONDENT(S):

- 1. ASSISTANT EXECUTIVE ENGINEER
ZONAL OFFICE, CORPORATION OF KOCHI, FORT KOCHI
KOCHI-1.**
- 2. THE SECRETARY
CORPORATION OF KOCHI, KOCHI-11.**
- 3. J.NAGENDRA NAICKEN
S/O.JANARDHANA NAICK, CC 8/129 AND 129(1)
SOUTH CHERLAI, MATTANCHERRY VILLAGE
KOCHI TALUK-682 002.**
- 4. V.SURENDRANATHAN PAI, AGED 62 YEARS
BUSINESS, CC 8/122A, B
SOUTH CHERLAI, MATTANCHERRY VILLAGE
KOCHI TALUK-682 002.**
- 5. RAJENDRA VADHYAR, AGED 57 YEARS
S/O.GANGANATH VADHYAR, SBI EMPLOYEE, CC 8/122C
SOUTH CHERLAI, MATTANCHERRY VILLAGE
KOCHI TALUK-682 002.**
- 6. G.VENKITESWARA PAI
CC 8/124A, SOUTH CHERLAI, MATTANCHERRY VILLAGE
KOCHI TALUK-682 002.**

**R1-R2 BY ADV. SRI.E.D.GEORGE,SC,COCHIN CORPORATION
R BY SRI.P.K.SOYUZ,SC,COCHIN CORPORATION**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 21948 of 2014 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1.TRUE COPY OF THE LAND TAX RECEIPT NO.328182 DATED 8/5/2002.

**EXT.P2.TRUE COPY OF THE BUILDING TAX RECEIPT NO.0184935 DATED
21/5/2014.**

**EXT.P3.TRUE COPY OF THE PETITION DATED 7/1/2014 SUBMITTED BY
PETITIONER BEFORE THE 2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

avk

ANIL K.NARENDRA, J

W.P.(C.)No.21948 Of 2014

DATED THIS THE 10th DAY OF DECEMBER, 2015

JUDGMENT

The petitioner who is residing in building No.8/122 D&E (New No. VII/UA/133 (A) & (A-11) situated in 5 cents of land in Sy.No.310/4/6 of Mattanchery village has filed this petition seeking writ of mandamus commanding respondents 1 and 2 to take appropriate action against the illegal construction effected by respondents 3 to 6 in violation of the Kerala Municipality Building Rules and the approved plan. The petitioner has also sought for a writ of mandamus commanding the respondents to take necessary action on Ext.P3 representation submitted by her.

2. Going by the averments in the writ petition, the petitioner is aggrieved of some illegal construction effected by respondents 3 to 6 who are his neighbors. Pointing out the aforesaid grievance, the petitioner has submitted Ext.P3 representation before the second respondent, who is the Secretary of the Corporation of Cochin. It is due to the inaction on the part of the second respondent in taking appropriate action on Ext.P3 representation, the petitioner is

before this Court in writ petition seeking various reliefs.

3. Today, when the case was taken up for consideration, the learned Standing Counsel for Cochin Corporation, on instructions would submit that, based on Ext.P3 complaint made by the petitioner, the officials of the Corporation conducted necessary inspection and found certain illegal construction made by the 6th respondent. In the said inspection some illegal construction made by the petitioner was also found out. Based on the inspection so conducted, the Corporation is taking effective steps to ensure that the illegal construction made by the petitioner as well as by the 6th respondent is demolished without further delay. The learned Standing Counsel would also submit that necessary steps in this regard shall be taken within a period of two months from the date of receipt of a certified copy of this judgment.

4. Recording the aforesaid submission made by the learned Standing Counsel for the Corporation, this writ petition is disposed of directing the second respondent to take necessary action on Ext.P3 representation submitted by the petitioner with notice to the petitioner and also to respondents 3 to 6. Necessary steps in this regard shall be

taken within a period of three months from the date of receipt of certified copy of this judgment.

**Sd/-
ANIL K.NARENDRA
JUDGE**

//TRUE COPY//

PA TO JUDGE

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