

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 21988 of 2015 (W)

PETITIONER :

**ANTONY K. DEVASSY
AGED 68 YEARS, S/O. LATE K.C. DEVASSY
RESIDING AT ANANYA, OPP. ST.SEBASTIAN'S CHURCH
K.P. VALLON ROAD, KADAVANTRA
COCHIN – 682 020.**

BY ADV. SRI.PEEYUS A. KOTTAM

RESPONDENT(S)

- 1. STATE OF KERALA
DEPARTMENT OF LOCAL SELF GOVERNMENT INSTITUTIONS
GOVERNMENT SECRETARIAT, ANNEXE,
TRIVANDRUM – 695 001
REPRESENTED BY ITS SECRETARY.**
- 2. COCHIN CORPORATION
PARK AVENUE, COCHIN – 682 011
REPRESENTED BY ITS SECRETARY**
- 3. ASSISTANT ENGINEER
EAST ZONAL OFFICE, CORPORATION OF COCHIN
VYTILLA, ERNAKULAM, COCHIN – 682 019.**

**R1 BY GOVT. PLEADER SMT. K.A. SANJEETHA
R2 & R3 BY ADVS. SRI.RAAJESH S.SUBRAHMANIAN, SC
SRI.P.K.SOYUZ, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE BUILDING PERMIT NO. KRP1-21/2010 DATED 12.5.2010
ISSUED BY THE COCHIN CORPORATION TO THE PETITIONER.**
- EXT.P2 COPY OF APPLICATION DATED 6.5.2013 SUBMITTED BY THE
PETITIONER BEFORE THE SECRETARY, COCHIN CORPORATION.**
- EXT.P3 COPY OF THE ACKNOWLEDGEMENT CARD NO. 3285/143 DATED
28.2.2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONERS.**
- EXT.P4 COPY OF THE REPRESENTATION DATED 1.4.2014 SUBMITTED BY THE
PETITIONER BEFORE THE COUNCIL IN COMPLIANCE WITH RULES 15
OF THE KERALA MUNICIPAL BUILDING.**

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 21988 of 2015

Dated this the 22nd day of July, 2015.

JUDGMENT

The petitioner is seeking a direction to the second respondent corporation to renew Ext.P1 building permit within a stipulated time as fixed by this Court after considering Exts.P2 and P3 applications for renewal.

2. The petitioner and his wife are the owners in possession of 8 cents of the property comprised in Sy.Nos. 1058/1 and 1058/2 of Ernakulam Village, Kanayannoor Taluk, purchased in the year 2004. The petitioner alleges that his vendor was having 16 cents of property all together. Out of 16 cents of property, 8 cents was purchased by the petitioner and having 8 cents was purchased by the niece of the petitioner. The petitioner was working as a financial advisor and his wife is a doctor at USA. After their retirement, they sincerely want to settle at Kerala and with the said intention, the petitioner and his wife purchased the aforesaid property for the

construction of a residential building. The petitioner further points out that he has submitted an application for the building permit for construction of a residential building in his property on 13.5.2015 before the second respondent and the second respondent has issued building permit as per No.KRP1-21/2010 dated 12.5.2010. This permit was valid for a period of three years from 12.5.2010 to 12.5.2013 as per Ext.P1. After getting the building permit, he commenced the pilling work and it was completed. However, by that time, the building permit expired and hence he submitted application dated 16.5.2013 before the second respondent requesting for the renewal of the permit for a further period of three years. During the period of Ext.P1 building permit, the petitioner had completed pilling work spending more than 10,00,000/- (Rupees Ten Lakhs Only) and remaining work was in progress. Since the petitioner was not in India, he submitted an application dated 6.5.2013 before the Cochin Corporation and requested for renewal of the building permit for a period of

three years from 12.5.2013 to 12.5.2016 as per Ext.P2. However, the respondent corporation has not taken any action so far. It is with this background, the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent corporation in the matter.

4. It is submitted by the learned counsel for the petitioner that as there no action was taken on the renewal application submitted by the petitioner, the petitioner has been continuing with the construction with a bonafide belief that the corporation would renew the permit.

As the limited prayer is only for a time bound disposal of Exts. P2 and P3 application by the respondent corporation, the writ petition is disposed of directing the respondent corporation to consider and pass appropriate orders on Exts. P2 and P3 applications within a period of one month from the date of receipt of a copy of this judgment. As the petitioner is

continuing with the construction, he shall proceed with the construction. However, it shall be subject to the outcome of the result of Exts.P2 and P3 application for renewal.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.