

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

W.P.(C).No. 22369 of 2015 (U)

PETITIONER:

**RASAL K.R., AGED 28 YEARS,
S/O. ABDUL RAHIM HAJI, KOMBANAPARAMBIL, KEERIKODE,
THODUPUZHA EAST P.O., IDUKKI DISTRICT, PIN - 685 585.**

**BY ADVS. SRI. R.RAMADAS
SRI. T.SIVADASAN**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.**
- 2. THODUPUZHA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE,
THODUPUZHA, IDUKKI DISTRICT, PIN 685 584.**
- 3. THE SECRETARY,
THODUPUZHA MUNICIPALITY, THODUPUZHA,
IDUKKI DISTRICT, PIN - 685 584.**
- 4. THE ASSISTANT ENGINEER,
THODUPUZHA MUNICIPALITY, THODUPUZHA,
IDUKKI DISTRICT, PIN - 685 584.**

**R1 BY SENIOR GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN
R2 TO R4 BY ADV. SRI. P.K.SOYUZ,SC, THODUPUZHA MUNICIPALITY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1:** A TRUE COPY OF THE REGISTERED SALE DEED NO.2660/2005 OF THODUPUZHA S.R.O., DATED 25.07.2005.
- EXHIBIT-P2:** THE SURVEY SKETCH SHOWING THE LIE OF THE PETITIONER'S PROPERTY ISSUED BY THE TALUK SURVEYOR, THODUPUZHA.
- EXHIBIT-P3:** TRUE COPY OF THE PROPERTY TAX RECEIPT DATED 18.04.2015 ISSUED BY THE THODUPUZHA MUNICIPALITY.
- EXHIBIT-P4:** A TRUE COPY OF THE LAND TAX RECEIPT DATED 18.04.2015 ISSUED BY THE VILLAGE OFFICER, THODUPUZHA SHOWING THE REMITTANCE OF LAND TAX FOR THE PERIOD 2015-16.
- EXHIBIT-P5:** TRUE COPY OF THE NOTICE DATED 29.06.2015 ISSUED BY THE 4TH RESPONDENT.

RESPONDENT(S)' EXHIBITS - **NIL**

//TRUE COPY//

P.A. TO JUDGE

V. CHITAMBARESH, J.

W.P.(C) No. 22369 of 2015

Dated this the 29th day of October, 2015

JUDGMENT

The issues are covered by the judgment dated 20.11.2014 in W.P.(C) No.15972/14. It has been found therein that the Detailed Town Planning (DTP) Scheme in existence has not been implemented for a long time. Therefore the petitioners cannot be prevented from putting their property to any profitable use by effecting construction.

2. I direct the third respondent to consider the application, if any, put in by the petitioner afresh for building permit. The same shall be done after conducting a site inspection to note the construction in the neighbouring property, if any. The actual state of the land shall also be deciphered taking note of the developments in the recent

past. Final orders shall be passed within a period of one month from the date of receipt of the application for building permit.

The writ petition is disposed of.

Sd/-
V. CHITAMBARESH
JUDGE

WW