

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 23364 of 2014 (U)

PETITIONER:

KARTHIYAYANI,
MARUMALA KIZHAKKATHIL, PUTHIYAKAVU, MAVELIKKARA.

BY ADV. SRI.PRASAD CHANDRAN

RESPONDENT:

MEVELIKKARA MUNICIPALITY
REPRESENTED BY THE SECRETARY, MAVELIKKARA - 690 101.

R1 BY ADV. SRI.RASHEED.C, SC, MAVELIKKARA MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1-TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY THE
MAVELIKKARA VILLAGE OFFICE DATED 06/02/2010.

EXHIBIT-P2-TRUE COPY OF THE RATION CARD ISSUED TO THE PETITIONER.

EXHIBIT-P3-TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENT DATED
29/10/2012.

EXHIBIT-P4-TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENT DATED
12/02/2014.

EXHIBIT-P5-TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENT DATED
06/08/2014.

EXHIBIT-P6-TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER BEFORE
THE RESPONDENT DATED 26/08/2014.

RESPONDENT'S EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 23364 of 2014 U

Dated this the 19th day of January, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Municipality, apart from perusing the record.

2. Briefly stated, the petitioner, being the absolute owner and in possession of 00.26 Ares in survey No. 51/38.2 of Ward No. VI of Mavelikkara Municipality, had an old building numbered as VI/349, 350, which, according to him, being dilapidated, was dismantled. Later, when the petitioner constructed a shed with a tin sheet roof, the respondent Municipality issued Ext.P5 notice holding that the construction is unauthorised and is required to be demolished. In response thereto, the petitioner is said to have submitted Ext.P6 explanation. Ventilating her grievance that the respondent Municipality is contemplating to demolish the petitioner's building without responding to Ext.P6 representation submitted by the petitioner, she has filed the present writ petition.

3. The learned Standing Counsel for the respondent Municipality submitted that the respondents have already inspected the property and found that the construction was unauthorised. At any rate, the learned Standing Counsel has agreed that the respondent Municipality does not have any objection to dispose of Ext.P6 representation before taking further steps in accordance with law.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner and the learned Standing Counsel, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the respondent to consider Ext.P6 representation of the petitioner in accordance with law and 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. Till such time, the stay granted earlier by this Court shall continue.

sd/- DAMA SESHADRI NAIDU, JUDGE.

