

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 23153 of 2015 (T)

PETITIONER:

**A.V.MUHAMMED IQBAL,
SOUBHAGYA APPARTMENTS, I.G ROAD,
PARAYANCHARI, PUTHIYARA P.O, CALICUT - 673 004.**

**BY ADVS.SMT.A.D.DIVYA
SMT.EMIL STANLEY**

RESPONDENT(S):

- 1. KOZHIKODE CORPORATION,
REPRESENTED BY SECRETARY
KOZHIKODE CORPORATION,
KOZHIKODE - 673 001.**
- 2. THE SECRETARY,
KOZHIKODE CORPORATION, KOZHIKODE - 673 001.**
- 3. KOZHIKODE MUNICIPAL CORPORATION,
REPRESENTED BY THE MAYOR,
KOZHIKODE CORPORATION, KOZHIKODE - 673 001.**

BY SRI.K.D.BABU,SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 23153 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1. TRUE COPY OF THE SITE PLAN OF THE PROPOSED CONSTRUCTION
ATTACHED WITH APPLICATION FOR BUILDING PERMIT
DATED 20.11.14.**

**EXHIBIT P2. TRUE COPY OF THE WRITTEN REQUEST DATED 3.6.15 MADE BY THE
PETITIONER BEFORE THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23153 of 2015

Dated this the 11th day of August, 2015.

JUDGMENT

The petitioner is aggrieved by the delay on the part of the second respondent in granting building permit to the petitioner, which according to the petitioner, was submitted by him in accordance with law.

2. The petitioner and his brother applied for building permit to construct an apartment cum commercial building as per application No.TP5/125939/14 dated 20.11.2014 before the second respondent. The petitioner alleges that as the second respondent failed to consider his application for building permit within statutory period, he sent a written request on 8.6.2015 to the third respondent under Rule 15 (1) of the Kerala Municipality Building Rules, 1999. However, the third respondent also did not consider the application for building permit after receiving the written request. Therefore, the petitioner is entitled to get a deemed permit under the

provisions of Rule 15(2) of KMBR, 1999. The petitioner further alleges that when he approached the second respondent and intimated that the execution of the work of the building would be started by the applicants, the second respondent threatened that the construction would be obstructed if started. Moreover, the second respondent declined to issue a formal permit as requested for. Therefore, 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.

4. Today, when the matter came up for hearing, the learned standing counsel for the respondent corporation submitted that the application submitted by the petitioner is under consideration and the site inspection has been conducted.

In the light of the said submission, the writ petition is disposed of directing the respondent corporation to pass formal

orders on the application submitted by the petitioner within a period of two weeks from the date of receipt of a copy of this judgment. If no such formal orders are passed, the petitioner shall have the benefit of 15 (2) of the Kerala Municipality Building Rules, 1999 and start the construction without waiting for further concurrence from the respondent corporation.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.