

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 23987 of 2014 (W)

PETITIONER:

HARIGOVINDAN NAMBOOTHIRI @ PRADEEP, AGED 45 YEARS,
S/O.PARAMESWARAN NAMBOOTHIRI, NAGAMPPOOZHI MANA,
NADUVILLE VILLAGE, VAIKOM TALUK, KOTTAYAM.

BY ADV. SRI.M.NARENDRA KUMAR

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT,
TRIVANDRUM - 695 001.
2. VAIKOM MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, VAIKOM,
KOTTAYAM DISTRICT - 686 001.
3. CHIEF TOWN PLANNER
GOVERNMENT OF KERALA, TRIVANDRUM - 695 001.
4. TOWN PLANNER
KOTTAYAM - 686 001.

R2 BY ADV. SMT.A.SREEKALA

R4 BY ADV. SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1 - TRUE COPY OF THE SKETCH OF THE PROPERTY DEPICTING THE MANA, KAVU (SERPENT GROVE).

P2 - TRUE COPY OF THE PHOTOGRAPHS OF THE MANA (TEMPLE).

P2(A) - TRUE COPY OF THE PHOTOGRAPHS OF THE HOLY GROVES.

P3 - TRUE COPY OF THE SITE PLAN OF THE ENTIRE PROPERTY SPECIFYING THE LOCATION OF THE BUILDING PROPOSED TO BE CONSTRUCTED.

P4 - THE TRUE COPY OF THE RECEIPTS OF THE APPLICATION FOR BUILDING PERMIT DT. 19.6.12.

P4(a) - THE TRUE COPY OF THE FEE RECEIPTS OF THE APPLICATION FOR BUILDING PERMIT DT. 19.6.12.

P5 - TRUE COPY OF THE COUNCIL PASSED A RESOLUTION DT. 14.9.12.

P6 - TRUE COPY OF THE LETTER DT. 02.3.13 FOR VARIATION TO RESIDENTIAL ZONE IN THE LIGHT OF EXT. P5.

P7 - TRUE COPY OF THE RECEIPT DT. 02.3.13.

P8 - TRUE COPY OF THE LETTER DT. 02.1.13 FROM CHIEF TOWN PLANNER TO THE TOWN PLANNER, KOTTAYAM.

RESPONDENTS' EXHIBITS :

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 23987 of 2014 (W)

Dated this the 31st day of March, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, apart from perusing the record.

2. Briefly stated, when the petitioner applied for a building permit, the respondent Municipality forwarded the application to the 3rd respondent for his approval. In the meanwhile, questioning the delay that has occurred in the respondents' processing the petitioner's application, he has approached this Court.

3. The learned Government Pleader representing respondents 3 and 4 has submitted that the 3rd respondent has already processed the petitioner's application and forwarded the necessary recommendations to the second respondent Municipality.

4. The learned Standing Counsel for the respondent Municipality, on instructions, has submitted that the

respondent Municipality has already received the necessary communications from the 3rd respondent and it is all set to further process the petitioner's application.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the second respondent Municipality to consider the petitioner's application for building permit, keeping in view the recommendations of the 3rd respondent, and pass appropriate orders thereon as expeditiously as possible.

sd/- DAMA SESHADRI NAIDU, JUDGE.

