

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 23827 of 2015 (C)

PETITIONER(S):

1. SIVAMOHAN, AGED 49 YEARS,
S/O. APPUKUTTAN, AMBADI, T.C 43/252,
MANAKKAD P.O, THIRUVANANTHAPURAM.
2. S.SUNIL KUMAR, AGED 50 YEARS,
S/O. V.SUDHAKARAN, AVITTAM, CHEKKALAMUKKU,
SREEKARYA P.O, THIRUVANANTHAPURAM.
3. Y.JALEELKUTTY, AGED 54 YEARS,
S/O. YUNUSKUNJU, KOTTAMKODU HOUSE,
VILAKKUDI P.O, KOLLAM.
4. NIZAR AHAMMED, MUNEER MANZIL,
PERUNADU, KALPPENA P.O,
KARUNAGAPPALLY, KOLLAM DISTRICT.
5. R. SINDHU, 'AMMU', T.C 76/1935,
ANAYARA P.O, THIRUVANANTHAPURAM.
6. JAYAPRAKASH B, 'DEEPTHI', TC 29/37,
PETTA P.O, THIRUVANANTHAPURAM.
7. SREEKUMAR, MAYOOKHAM, U.G 31/V,
ULLUR GARDENS, MEDICAL COLLEGE P.O,
THIRUVANANTHAPURAM.

BY SRI.RENJITH THAMPAN (SENIOR ADVOCATE)
ADV. SMT.P.R.REENA

RESPONDENT(S):

1. THIRUVANANTHAPURAM CORPORATION,
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE,
THIRUVANANTHAPURAM, PIN - 695 033.

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2. SECRETARY,
THIRUVANANTHAPURAM CORPORATION,
CORPORATION OFFICE,
THIRUVANANTHAPURAM, PIN - 695 033.
3. REGIONAL TOWN PLANNER,
O/O. REGIONAL TOWN PLANNER,
HOUSING BOARD BUILDING, SANTHINAGAR,
THIRUVANANTHAPURAM, PIN - 695 001.

R1 & R2 BY SRI.P.K.MANOJKUMAR,SC
R3 BY GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1 : TRUE COPY OF BUILDING PERMIT APPLICATION FILED BY THE
1ST PETITIONER DATED 01-01-2015.
- EXHIBIT P2 : TRUE COPY OF RECEIPT ISSUED TO 1ST PETITIONER BY THE
1ST RESPONDENT CORPORATION DATED 1-1-2015.
- EXT. P2(A) : TRUE COPY OF RECEIPT ISSUED TO 2ND PETITIONER BY THE
1ST RESPONDENT CORPORATION DATED 26-02-2015.
- EXT. P2(B) : TRUE COPY OF RECEIPT ISSUED TO 3RD PETITIONER BY THE
1ST RESPONDENT CORPORATION DATED 1-1-2015.
- EXT. P2(C) : TRUE COPY OF RECEIPT ISSUED TO 4TH PETITIONER BY THE
1ST RESPONDENT CORPORATION DATED 19-02-2015.
- EXT. P2(D) : TRUE COPY OF RECEIPT ISSUED TO 5TH PETITIONER BY THE
1ST RESPONDENT CORPORATION DATED 19-02-2015.
- EXT. P2(E) : TRUE COPY OF RECEIPT ISSUED TO 6TH PETITIONER BY THE
1ST RESPONDENT CORPORATION DATED 08-01-2015.
- EXT. P2(F) : TRUE COPY OF RECEIPT ISSUED TO 7TH PETITIONER BY THE
1ST RESPONDENT CORPORATION DATED 26-02-2015.
- EXHIBIT P3 : TRUE COPY OF THE JUDGMENT IN W.P(C) NO 33582/2014
DATED 06-03-2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23827 of 2015

Dated this the 6th day of August, 2015

J U D G M E N T

Petitioners 1 to 7 are the owners of an extent of 4.782 cents, 6.916 cents, 5.93 cents, 5.80 cents, 5.725 cents, 4.25 cents and 6.625 cents of lands respectively in Kadakampally Village in Kumarapuram area within the local limits of the respondent corporation. They are doctors working in the Medical College, Thiruvananthapuram. They allege that they had purchased the said properties for the purpose of construction of residential houses. They have filed building permit applications before the respondent corporation as per Ext.P2 series, hoping that they would be granted building permits. However, on enquiry, the 2nd respondent told the petitioners that in the year 1976, there was a town planning scheme, in which the aforesaid area is mentioned as “green strip” area; and hence, no building permit can be granted without the concurrence of the Regional Town Planner and that too, only for construction of a maximum of 300 m² of residential building. According to them, all the building permit applications are for construction of residential

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buildings of less than 300 m². Hence, according to them, there is no difficulty for the 2nd respondent to grant building permits. Their grievance is that in spite of lapse of more than five months of filing the applications, the 2nd respondent has not forwarded the building permit applications filed by the petitioners to the 3rd respondent for concurrence. Hence, this writ petition.

3. Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent corporation.

As the submission of the learned counsel for the petitioners was only for a direction to the 2nd respondent to forward Ext.P2 series to the 3rd respondent, the writ petition is disposed of directing the 2nd respondent to forward Ext.P2 series to the 3rd respondent for concurrence within a period of two weeks from the date of receipt of a copy of this judgment; and in the event of concurrence of the 3rd respondent, the 2nd respondent is directed to consider the applications of the petitioners in accordance with law.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-