

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 27608 of 2012 (A)

PETITIONER(S):

**V.MANIKANTAN NAIR,
KANAKKAPILLAI VEEDU,
NEAR VETERINARY HOSPITAL
PALACE ROAD, ATTINGAL P.O.
THIRUVANANTHAPURAM- 695 101.**

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENT(S):

- 1. THE SECRETARY, ATTINGAL MUNICIPALITY
OFFICE OF THE ATTINGAL MUNICIPALITY, ATTINGAL
CHIRAYANKEEZH, THIRUVANANTHAPURAM - 695 101.**
- 2. PRASANNAKUMARI
SASI NIVAS, PALACE ROAD, ATTINGAL P.O.
THIRUVANANTHAPURAM - 695 101.**

R1 BY ADV. SRI.AYYAPPAN SANKAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

WP(C).No. 27608 of 2012 (A)

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1 : TRUE COPY OF THE COMPLAINT DATED 13.1.2012 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**
- EXT.P2 : TRUE COPY OF THE PROVISIONAL ORDER DATED 19.1.2012 ISSUED UNDER SECTION 406(1) OF THE KERALA MUNICIPALITIES ACT AGAINST THE 2ND RESPONDENT.**
- EXT.P3 : TRUE COPY OF THE CONFIRMATION ORDER NO.PW2 791/12 DATED 14.5.2012 OF THE 1ST RESPONDENT.**
- EXT.P4 : TRUE COPY OF THE REPRESENTATION DATED 27.6.2012 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**
- EXT.P5 : TRUE COPY OF THE REPRESENTATION DATED 1.9.2012 FILED BY THE PETITIONER BEFORE THE MUNICIPAL DIRECTOR, THIRUVANANTHAPURAM.**
- EXT.P6 : TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT OBTAINED BY THE PETITIONER THROUGH RIGHT TO INFORMATION ACT.**
- EXT.P7 : TRUE COPY OF THE COMMUNICATION NO.PW2-791/12 DATED 12.10.2012 OF THE 1ST RESPONDENT.**
- EXT.P8 : TRUE COPY OF THE REPRESENTATION DATED 18.10.2012 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

VS

A.V.RAMAKRISHNA PILLAI, J

W.P.(C).No.27608 of 2015

Dated this the 24th day of June, 2015

JUDGMENT

The petitioner approached this Court alleging that the first respondent has not implemented Ext.P3.

2. The petitioner, who is a senior citizen had approached the 1st respondent complaining about the unauthorized construction effected by the 2nd respondent. The 1st respondent had issued Ext.P2 provisional order after being convinced of the fact that the alleged construction is in violation to the Building rules; it is alleged. The said provisional order was later confirmed as per Ext.P3 after hearing the parties and perusing the records. The petitioner alleges that though he was running from pillar to post, to get Ext.P3 implemented, the 1st respondent was reluctant to do it. However, Ext.P7 communication was issued to the petitioner stating that the decision to demolish the alleged construction was cancelled, however this writ petition.

3. Today when the matter came up for hearing,

the learned Standing Counsel for the respondent Municipality submitted that the order has been implemented and consequently the party respondent had removed the unauthorized construction. According to the learned counsel for the petitioner, it is not true and the unauthorized construction is still existing.

Therefore the writ petition is disposed of directing the petitioner to submit a fresh representation before the respondent Municipality within a period of two weeks from today, if he has any subsisting grievance. In the event of filing such a representation before the Municipality, the same shall be considered and disposed of in accordance with law by the respondent Municipality after affording the petitioner and the second respondent an opportunity of being heard in the light of Exts.P2 and P3 passed by the Municipality.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

VS