

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(C).No. 23999 of 2015 (Y)

PETITIONER :

**T.K.VASU
AGED 75 YEARS, S/O.KESAVAN,
THANNICKAL VEEDU, KALLINGAL
KULATHOOR P.O., THIRUVANANTHAPURAM-695 583.**

BY ADV. SRI.K.RAJESH KANNAN

RESPONDENT :

**CORPORATION OF THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY
CORPORATION OFFICE, THIRUVANANTHAPURAM-695 011.**

BY ADV. SRI.P.K.MANOJKUMAR, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

WP(C).No. 23999 of 2015 (Y)

APPENDIX

PETITIONERS' EXHIBITS :

EXT. P1 : TRUE COPY OF THE JUDGMENT IN WP(C).NO.18808/2014 DATED
21-1-2015 .

EXT. P2 : TRUE COPY OF THE PROVISIONAL ORDER DATED 11-5-2015 OF THE
RESPONDENT.

EXT. P2(a) : TRUE ENGLISH TRANSLATION OF EXT. P2.

EXT. P3 : TRUE COPY OF THE REPLY DATED 2-6-2015 SUBMITTED BY THE
PETITIONER TO THE RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.23999 of 2015

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Dated this the 7th day of August, 2015

JUDGMENT

The petitioner is aggrieved by the non-consideration of the reply submitted by the petitioner to the show cause notice issued to him by the respondent corporation.

2. The petitioner has obtained for a building permit dated 9.8.2011 for construction of a two storeyed commercial building and later a revised permit for additional plinth area. Thereafter the petitioner has completed the construction, and applied for occupancy certificate and assignment of the building number as per completion certificate. As no orders were passed on the said application, the petitioner preferred Appeal No.406/2013 before the Tribunal for Local Self Government Institutions. Accordingly, the petitioner obtained occupancy certificate on 30.1.2014. However, the respondent did not assign the building number.

3. The petitioner preferred W.P(C) No.18808 of 2014 before this Court wherein the respondent was directed to consider the petitioner's application for assignment of building number and to

take further steps under Section 406 of the Kerala Municipalities Act within a time frame. However, it was only on 11.5.2015 that the respondent passed Ext.P2 provisional order asking the petitioner to show cause within 15 days as to why his constructions in the building should not be demolished. The petitioner alleges that though he submitted Ext.P3 reply to the above show cause notice, the respondent is not taking any decision on the same. It is with this background, the petitioner has approached this Court.

4. I have heard the learned counsel for the petitioner and the learned standing counsel for respondent corporation.

5. The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent consider the Ext.P3 after hearing the petitioner within a time frame.

Therefore, the writ petition is disposed of directing the respondent corporation to consider Ext.P3 reply submitted by the petitioner after affording the petitioner an opportunity of being heard within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

WP(C)23999/15

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