

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C).No. 24128 of 2015 (M)

PETITIONER:

**N.P.SHAMSUDHEEN AGED 64 YEARS
S/O.ABOOBACKER,
RESIDING AT KASER-AL-NASEEMA, S.S ROAD
CHIRAKKARA, THALASSERY, KANNUR DISTRICT
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
K.P.KARUNAKARAN, AGED 66 YEARS
S/O.KUMARAN, VADAKKUMPAD P.O
THALASSERY, KANNUR DISTRICT.**

**BY ADVS.SRI.K.T.SHYAMKUMAR
SRI.HARISH R. MENON**

RESPONDENTS:

- 1. THALASSERY MUNICIPALITY
THALASSERY,
KANNUR DISTRICT - 673 002
REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY
THALASSERY MUNICIPALITY,
THALASSERY,
KANNUR DISTRICT - 673 002**
- 3. THE EXECUTIVE ENGINEER
THALASSERY MUNICIPALITY,
THALASSERY,
KANNUR DISTRICT - 673 002**

R1 - R3 BY ADV. SRI.I.V.PRAMOD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 24128 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE SITE PLAN SUBMITTED BY THE PETITIONER.

**EXHIBIT P2. COPY OF THE NOTICE DATED 23.7.14 ISSUED BY THE 3RD
RESPONDENT.**

**EXHIBIT P3. COPY OF THE PLAINT IN OS 248/14 FILED BY THE PETITIONER
BEFORE THE MUNSIFFS COURT, THALASSERY.**

**EXHIBIT P4. COPY OF THE REPLY DATED 5.12.14 SUBMITTED ON BEHALF OF
THE PETITIONER BEFORE THE 3RD RESPONDENT.**

**EXHIBIT P5. COPY OF THE REPRESENTATION DATED 16.1.15 SUBMITTED ON
BEHALF OF THE PETITIONER.**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 24128 OF 2015

Dated this the 22nd day of September, 2015

JUDGMENT

The petitioner contends that neither the Secretary of the Municipality nor the Municipal Council has responded to his application for building permit. There is justification in the contention of the petitioner that he is entitled to the benefit of deemed permit till orders are passed by the authorities.

2. It is reported that the matter is pending with the Municipal Council evidenced by Ext. P5 representation. I direct the first respondent (Municipal Council) to consider Ext. P5 representation. The same shall be done with notice to the petitioner within a period of one month.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS