

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C) .No. 24490 of 2015 (I)

PETITIONER(S) :

LIYAKATH ALI KHAN,
AGED 50 YEARS, S/O.ABDUL RAHIMAN,
RESIDING AT KADAVANTHOT HOUSE,
KURAHIIYOOR P.O, CHAVAKKAD,
THRISSUR DISTRICT.

BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU

RESPONDENT(S) :

1. CORPORATION OF THRISSUR,
REPRESENTED BY ITS SECRETARY, CORPORATION OFFICE,
THRISSUR - 680 001.
2. THE EXECUTIVE ENGINEER (LSGD) ,
THRISSUR CORPORATION, CORPORATION OFFICE,
THRISSUR - 680 001.

R1 & 2 BY ADV. SRI.K.P.VIJAYAN
R1 & 2 BY ADV. SRI.V.N.HARIDAS
BY SRI.K.P.VIJAYAN,SC,THRISSUR CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXHIBIT P1. COPY OF THE BUILDING PERMIT ISSUED BY THE RESPONDENT CORPORATION DATED 12.4.12.
- EXHIBIT P2. COPY OF THE COMMUNICATION ADDRESSED TO THE LATE FATHER OF THE PETITIONER DATED 30.4.15.
- EXHIBIT P3. COPY OF THE COMMUNICATION ADDRESSED TO THE 1ST RESPONDENT BY THE PETITIONER DATED 6.7.15.
- EXHIBIT P4. COPY OF THE REQUEST MADE BY THE PETITIONER DATED 8.7.15.
- EXHIBIT P5. COPY OF THE ONE SUCH LAWYER NOTICE ADDRESSED TO ONE OF THE TENANTS DATED 17.6.15.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.24490 of 2015

Dated this the 12th day of August, 2015.

J U D G M E N T

The petitioner is seeking a direction to the 1st respondent to consider Exts.P3 and P4 submitted by the petitioner for renewal of the building permit and for transfer of the building permit in his name.

2. The petitioner's late father was granted a building permit to construct a building comprising of ground +2 floors. According to the petitioner, his father could construct only ground +1 floor during his lifetime. The building permit, in the meanwhile, expired and the petitioner sought for renewal of the same. The 2nd respondent refused to renew the building permit stating that tenants occupying the premises have put up some canopies in front of the building and only if the same is removed, the building permit be renewed. The petitioner therefore moved

the 1st respondent by way of Ext.P3 representation assuring that steps would be initiated to get the canopies dismantled. Since the petitioner has faced stiff resistance from the tenants, he has issued lawyer notices to the tenants as well. The 1st respondent considered on merit Ext.P3 in the light of the undertaking given by the petitioner and also taking into account the fact that the petitioner has already initiated steps to get the canopies dismantled. The petitioner alleges that the 1st respondent has kept Ext.P3 pending on his files and no order was passed so far despite repeated requests made. It is with this backdrop, the petitioner has approached this Court.

3. I have heard the learned counsel for the petitioner and the learned Standing counsel for the respondent Corporation.

As the learned counsel for the petitioner confined his arguments to a limited prayer to give a direction to the 1st respondent to consider Exts.P3 and P4 within a time frame,

this writ petition is disposed of directing the 1st respondent to consider Exts.P3 and P4 within two weeks of receipt of copy of this judgment, after affording the petitioner an opportunity of being heard.

Sd/-
A.V.RAMAKRISHNA PILLAI,
Judge.

ami/

//True copy//

P.A. to Judge