

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 24717 of 2015 (L)

PETITIONER:

**LAKSHMIDEVI, D/O.P.K.KRISHNANUNNI,
18/305, PILLAVALAPPU, KASABA AMSOM,
KARIAKUNNU DESOM, CHALAPPURAM P.O.,
KOZHIKODE DISTRICT, PIN - 673 002.**

**BY ADVS.SRI.M.P.RAMNATH
SRI.P.RAJESH (KOTTAKKAL)**

RESPONDENTS:

- 1. CORPORATION OF KOZHIKODE,
CORPORATION OFFICE,
CALICUT BEACH P.O., PIN - 673 032,
KOZHIKODE DISTRICT,
REPRESENTED BY ITS SECRETARY.**
- 2. THE ASSISTANT ENGINEER,
CORPORATION OF KOZHIKODE,
CORPORATION OFFICE, CALICUT BEACH P.O.,
KOZHIKODE DISTRICT, PIN - 673 032.**
- 3. SUBAIDA, D/O.SAIDALIKUTTY, VELLARIYIL HOUSE,
THEKKAN KUTTOOR AMSOM DESOM,
THEKKAN KUTTOOR P.O.,
MALAPPURAM DISTRICT, PIN - 676 551.**

R1 & R2 BY SRI.K.D.BABU,SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1. THE TRUE PHOTOSTAT COPY OF THE APPLICATION DATED 16.11.2012 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT'S PUBLIC INFORMATION OFFICER.
- EXHIBIT P2. THE TRUE PHOTOSTAT COPY OF THE APPLICATION DATED 23.07.2013 FILED BY THE PETITIONER'S COUNSEL BEFORE THE 1ST RESPONDENT'S PUBLIC INFORMATION OFFICER.
- EXHIBIT P3. THE TRUE PHOTOSTAT COPY OF THE APPEAL UNDER SECTION 19 OF THE RIGHT TO INFORMATION ACT, 2005 FILED BEFORE THE APPELLATE PUBLIC INFORMATION OFFICER OF THE 1ST RESPONDENT ON 16.11.2013.
- EXHIBIT P4. THE TRUE PHOTOSTAT COPY OF THE COVERING LETTER ISSUED BY THE APPELLATE PUBLIC INFORMATION OFFICER TO THE PETITIONER'S COUNSEL ON 17.12.2013.
- EXHIBIT P5. THE TRUE PHOTOSTAT COPY OF THE COMPLAINT/REPRESENTATION DATED 17.02.2014 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.24717 of 2015

Dated this the 13th day of August, 2015.

J U D G M E N T

The petitioner is seeking a direction to the first respondent to disclose the status of proceedings initiated pursuant to Ext.P5 complaint.

2. The petitioner alleges that the 3rd respondent's property is situated on the immediate eastern side of the petitioner's property and that the 3rd respondent had constructed a three storied building violating the Building Rules influencing the 1st and 2nd respondents. According to the petitioner, sufficient space is not provided on all sides. She filed Ext.P5 complaint against the illegal construction effected by the eastern property holder (the 3rd respondent), before the Secretary, Corporation of Kozhikode. The petitioner alleges that till date, the 1st respondent has not taken any action on the complaint or not even fixed a date

and time for their hearing. It is in 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.

4. As the learned counsel for the petitioner confined his arguments to the limited prayer for a direction to the 1st respondent to consider and pass orders on Ext.P5, this Court is of the view that, this writ petition can be disposed of even without issuing notice to the 3rd respondent.

Accordingly, this writ petition is disposed of directing the 1st respondent to consider and pass orders on Ext.P5, after affording an opportunity to the petitioner and the 3rd respondent of being heard, within 3 weeks of receipt of copy of this judgment.

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

ami/

//True copy//

P.A. to Judge