

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 24724 of 2015 (M)

PETITIONERS:

1. **P.P. NHAS BABU,
LAGOON, 22/1312, MCR ROAD, MAANAARI,
THIRUVANOOR, KOZHIKODE.**
2. **MALABAR DEVELOPERS (P) LTD.,
41/2299, 3RD FLOOR, MALABAR GATE, RAM MOHAN ROAD,
PUTHIYARA P.O., CALICUT - 673 004.
REPRESENTED BY ITS DIRECTOR SIYAD E.A.**

**BY ADVS.SRI.DEVAN RAMACHANDRAN
SRI.K.M.ANEESH
SRI.K.SANTHOSH KUMAR (KALIYANAM)
SRI.ADARSH KUMAR
SRI.BIJU VARGHESE ABRAHAM
SRI.DILEEP CHANDRAN**

RESPONDENTS:

1. **KOZHIKODE MUNICIPAL CORPORATION,
REPRESENTED BY ITS SECRETARY - 673020**
2. **THE SECRETARY,
KOZHIKODE MUNICIPAL CORPORATION - 673020.**

**R3 BY ADV. SRI.C.R.SIVAKUMAR
RADDL.4 BY ADV. SRI.P.SANTHOSH KUMAR (TR)
RADDL.4 BY ADV. SRI.T.P.SAJAN
R BY SRI.K.D.BABU,SC,KOZHIKODE CORPORATION**

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

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1: COPY OF THE BUILDING PERMIT ALONG WITH CONDITIONS ISSUED
 BY THE RESPONDENTS DATED 12.12.014.**
- EXT.P2: COPY OF THE NOTICE ISSUED BY THE RESPONDENTS DATED
 30.03.2015.**
- EXT.P3: COPY OF THE REPLY SUBMITTED BY THE 1ST PETITIONER TO THE
 RESPONDENTS DATED 01.04.2015.**
- EXT.P4: COPY OF THE STOP MEMO ISSUED BY THE RESPONDENTS DATED
 02.07.2015.**
- EXT.P5: COPY OF THE ORDER ISSUED BY THE RESPONDENTS 09.07.2015**

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

V. CHITAMBARESH, J.

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W.P. (C) No. 24724 of 2015

Dated this the 9th day of September, 2015

J U D G M E N T

Exhibit P4 stop memo impugned in this Writ Petition pertains to the construction of a temporary shed only. It is conceded by the petitioners that the temporary shed made mention of in Ext. P4 memo has since been dismantled. The petitioners also rely on Ext. P5 order whereunder accessories shed was permitted to be constructed. The same was permitted to store the materials for the construction of the flat covered by Ext.P1 building permit.

2. The legality or otherwise of Ext.P1 building permit does not arise for consideration in this Writ Petition. Nothing survives for consideration in this Writ Petition.

The Writ Petition is disposed of.

Sd/-

**V. CHITAMBARESH,
JUDGE**

DST

//True copy//

P.A. To Judge