

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C) .No. 24975 of 2015 (V)

PETITIONER:

P.ANIL KUMAR, AGED 45 YEARS
S/O.NARAYANAN NAMBIAR (LATE), RESIDING AT CHITTOTHIDAM,
P.O. CHIRAKKAL, KANNUR TALUK, KANNUR DISTRICT.

BY ADV. SRI.M.V.AMARESAN

RESPONDENT:

PAYYANUR MUNICIPALITY
REPRESENTED BY ITS SECRETARY, P.O.PAYYANUR
KANNUR DISTRICT, PIN: 670 307.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

P1: TRUE COPY OF PROPERTY TAX RECEIPT DATED 1/8/2015 OF THE
PETITIONER'S PROPERTY.

P2: TRUE COPY OF NOTICE BEARING NO.E1-33178/14 DATED 23/2/2015 ISSUED
BY THE RESPONDENT TO THE PETITIONER.

P3: TRUE COPY OF REPLY DATED 3/3/2015 SUBMITTED BY THE PETITIONER
BEFORE THE RESPONDENT.

P4: TRUE COPY OF NOTICE BEARING NO.E1-33178/14 DATED 15/7/2015 ISSUED
BY THE RESPONDENT TO THE PETITIONER.

P5: TRUE COPY OF NOTICE BEARING NO.E1-33178/14 DATED 15/7/2015 ISSUED
BY THE RESPONDENT TO THE PETITIONER.

P6: TRUE COPY OF THE PLAN OF THE STRUCTURE FOR REGULARIZATION
SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.

P7: TRUE COPY OF THE ACKNOWLEDGMENT BEARING INWARD NO.15513 DATED
12/6/2015 ISSUED BY THE RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 24975 of 2015

Dated this the 18th day of August, 2015.

JUDGMENT

The petitioner is seeking an early disposal of Ext.P6 application for regularisation of the temporary structure of metallic sheet and angler, erected on the existing first floor of a double storied building and to simultaneously stay Ext.P5 order of demolition.

2. The petitioner alleges that he had to protect RCC roofing of his first floor from the extreme weather and to prevent leakage etc. with metallic sheets. The petitioner was unaware that the same requires building permit. This lead to passing of Ext.P5 ultimate order for demolition and removal of the same. In the meantime, Ext.P6 was filed for regularisation of the building construction, which is pending disposal. If Ext.P5 is implemented and the structure is removed, there would be nothing remaining to be regularised as requested in Ext.P6; it is alleged.

3. As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent to consider and dispose of Ext.P6 within a time frame, this Court is of the view that the writ petition can be disposed of even without issuing notice to the respondent.

Therefore, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P6 application within a period of two weeks from the date of receipt of a copy of this judgment, after affording the petitioner an opportunity of being heard. Till that exercise is completed, further coercive action initiated against the petitioner by the respondent shall be kept in abeyance.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.