

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU**

**FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936**

**WP(C).No. 28458 of 2011 (F)**  
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**PETITIONER(S):**  
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**K.P.JOSE  
S/O.POULOSE, KAITHARATH HOUSE, VETTUKADAVU ROAD  
CHALAKUDY P.O., THRISSUR DISTRICT.**

**BY ADV. SRI.K.B.GANGESH**

**RESPONDENT(S):**  
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- 1. THE CHALAKUDY MUNICIPALITY  
REP. BY SECRETARY, CHALAKUDY MUNICIPALITY  
MUNICIPAL OFFICE, CHALAKUDY, THRISSUR DISTRICT-  
680 307.**
- 2. THE SECRETARY,  
CHALAKUDY MUNICIPALITY, MUNICIPAL OFFICE, CHALAKUDY  
THRISSUR DISTRICT- 680 307.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

Msd.

**WP(C).No. 28458 of 2011 (F)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT P1: TRUE COPY OF THE APPLICATION FORM DATED 01.07.2010  
SUBMITTED BY THE PETITIONER BEFORE THE OFFICE  
OF THE 1ST RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF THE ORDER NO.E2 9866/11 DATED 06.09.2011  
BY THE 2ND RESPONDENT.**

**EXHIBIT P3: TRUE COPY OF THE NOTICE PUBLISHED UPON NOTIFICATION  
OF THE SCHEME DATED 01.11.1975 ISSUED BY THE MUNICIPAL  
COMMISSIONER, CHALAKUDY.**

**RESPONDENT(S)' EXHIBITS**  
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**NIL**

**//TRUE COPY//**

**P.A.TO JUDGE.**

Msd.

**DAMA SESHADRI NAIDU, J.**

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**W.P.(c) No. 28458 of 2011**  
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Dated this the 23<sup>rd</sup> day of January, 2015

**JUDGMENT**

In the light of the ratio laid down in **Gopalakrishnan v. State of Kerala** [2011 (3) KLT 317], the present writ petition is also disposed of on the same lines, applying the ratio laid down by the learned Division Bench in the said decision, thereby quashing Exhibit P2.

Consequently, the second respondent is directed to consider the application of the petitioner for building permission afresh, if necessary, by referring the matter to the District Town Planner, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within a period of six weeks from the date of receipt of a copy of this judgment.

**DAMA SESHADRI NAIDU  
JUDGE**

DMR/-