

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 28961 of 2013 (U)

PETITIONER:

**BINI
D/O. SUDHAKARAN,
V M C NO. 23/112, SABAR
MUNDAYIL, VARKALA,
THIRUVANANTHAPURAM - 695 141.**

BY ADV. SRI.R.ANILKUMAR

RESPONDENTS:

- 1. VARKALA MUNICIPALITY
REPRESENTED BY SECRETARY,
MUNICIPAL OFFICE
VARKALA - 695 141.**
- 2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
LOCAL SELF GOVERNMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 3. CHIEF TOWN PLANNER,
TOWN PLANNING OFFICE,
THIRUVANANTHAPURAM -695 001.**

**R1 BY SRI.J.S.AJITH KUMAR, SC, VARKALA MUNICIPALITY
R1 BY SRI.G.S.REGHUNATH
R2 & R3 BY SR. GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 28961 of 2013 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1- TRUE COPY OF THE REGISTERED SALE DEED NO. 1501/2010
DATED 04/12/2010.**

**EXHIBIT-P1(a)- TRUE COPY OF THE LAND TAX RECEIPT NO. 15681 DATED
28/05/2010.**

EXHIBIT-P2- TRUE COPY OF THE REPLY NO. PW2-11732/2012 DATED 05/11/2012.

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 28961 OF 2013

Dated this the 15th day of October, 2015

JUDGMENT

The detailed town planning scheme is dated 19.01.1991. More than 25 years have elapsed since then. No material has been shown to prove that the scheme has been implemented in full vigour.

2. The fact that the buildings have sprung up in the neighbouring locality cannot be disputed. There can therefore be no inhibition of law to grant building permit. Ofcourse the other parameters have to be satisfied.

2. I direct the first respondent to accordingly consider the application for building permit. The same shall be done within a period of one month from today.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS