

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 30306 of 2012 (K)

PETITIONER(S):

1. SUBI, AGED 38 YEARS,
W/O. RONI J. JOHN, RESIDING AT BROWNS RESTAURANT,
KACHERIPADI, KOCHI-682018.
2. RONI J. JOHN, AGED 39 YEARS,
S/O. V. J. THOMAS, RESIDING AT BROWNS RESTAURANT,
KACHERIPADI, KOCHI-682018.

BY ADV. SRI. JOHNSON MANAYANI

RESPONDENT(S):

1. COCHIN CORPORATION,
CORPORATION COMPLEX,
COCHIN 682011 REPRESENTED BY ITS SECRETARY.
2. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO LOCAL SELF GOVERNMENT
DEPARTMENT,
SECRETARIAT, TRIVANDRUM - 695 001.
3. THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS,
REPRESENTED BY ITS SECRETARY, TRIVANDRUM - 695 001.
4. MR. SREEDHARA VADHYAR,
M/S. YASORAM CONSTRUCTION COMPANY,
CONVENT ROAD JUNCTION, ERNAKULAM - 682 011.

*ADDL.R5

YASORAM VICTORIA TOWERS OCCUPANT'S ASSOCIATION,
REPRESENTED BY ITS SECRETARY, YASORAM VICTORIA
TOWERS NO. CC.41/3365 OF KOCHI CORPORATION,
FIRST FLOOR, BANERJI ROAD, ERNAKULAM.

P.T.O.

*ADDL.R5 IS IMPEADED AS PER ORDER DATED 26.05.2015 IN IA NO.5570/15.

R1 BY ADV. SRI.E.D.GEORGE,SC,COCHIN CORPORATION
R2 BY GOVERNMENT PLEADER, SRI. SOJAN JAMES
R4 BY ADV. SRI.S.R.DAYANANDA PRABHU
RADDL.R5 BY ADV. SRI.P.U.SHAILAJAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.T.O.

SHAJI P. CHALY, J.

W.P.(C)No.30306 of 2012

Dated this the 13th day of November, 2015

JUDGMENT

Learned counsel for the petitioners, Sri. Johnson Manayani submitted that he is not pressing the writ petition since the 1st Respondent has already implemented the impugned order of the Tribunal for Local Self Government Institutions and therefore nothing survives in the writ petition.

2. On the other hand, learned counsel appearing for the Respondents submitted that even though the order of the Tribunal was complied with by removing the illegal constructions, later on, the same was again put up by the petitioners and therefore the illegality continues to exist.

3. In view of the submission made by learned counsel for the petitioners, and if still the illegal construction carried out by the petitioners are existing, the 1st Respondent is at liberty to implement the impugned order passed by the Tribunal.

This writ petition is therefore dismissed as infructuous by taking into account the above submissions made by the counsel for the petitioners and also reminding the 1st Respondent that it is liable to implement Ext.P8 impugned order of the Tribunal in Appeal No.394 of 2012 dated 03.11.2012, if necessitated.

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.S. to Judge

St/-
13.11.2015