

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 26560 of 2015 (T)

PETITIONER:

VIJAYALLAKSHMI.M, W/O.K.MOHANDAS,
AGED 56 YEARS, RESIDING AT FLAT NO.A1,
MAHAMAYA APARTMENTS, KANATTUKARA.P.O.,
THRISSUR DISTRICT.

BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU

RESPONDENTS:

1. THRISSUR CORPORATION,
REPRESENTED BY ITS SECRETARY, CORPORATION OFFICE,
THRISSUR-678001.
2. THE ASSISTANT ENGINEER,
THRISSUR CORPORATION, VILVATTAM ZONAL OFFICE,
THRISSUR-680 001.

BY ADV. SRI.K.P.VIJAYAN, SC,THRISSUR CORPORATION.
BY ADV. SRI.V.N.HARIDAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 26560 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1 TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICE,VIYYUR DATED 5.5.2015

EXT. P2 TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT TO THE PETITIONER DATED 31.7.2015

EXT. P3 TRUE COPY OF THE EXTRACT OF THE DATA BANK DATED -NIL-

EXT. P4 TRUE COPY OF THE CERTIFICATE ISSUED BY THE TAHSILDAR,TALUK OFFICE,THRISSUR DATED 2.12.2014

EXT. P5 TRUE COPY OF THE PHOTOGRAPHS DEPICTING THE LIE OF THE PETITIONER'S PROPERTY DATED -NIL-

EXT. P6 TRUE COPY OF THE JUDGMENT IN WP(C)1876/2014 ON THE FILE OF THIS HONOURABLE COURT DATED 22.7.2014.

RESPONDENT(S)' EXHIBITS

P. BHAVADASAN, J.

W.P.(C). No. 26560 of 2015

Dated this the 16th day of September, 2015.

JUDGMENT

Strange are the ways of the Corporation in adopting different standards to different people to see that people are harassed to the maximum. A typical example is the case on hand.

2. When the owner of a vacant land surrounded by buildings all around applied for building permit, she was denied the permit on the ground that the land is categorized as a paddy land in their records. One fails to understand how it could be so when permits have been given to all surrounding property owners of the petitioner where buildings and structures have been put up.

3. Petitioner has produced photograph of the property which would prima facie indicate that those are pucca garden lands. However, the Corporation sought to

characterize it as a paddy land and refused permission to put up the building. The Petitioner has approached this Court with the grievance that while all others were allowed to put up construction, they alone are refused permission. In similar cases, this Court had issued directions to the local authority concerned to inspect the property in question and satisfy themselves as to the nature of the property and if it is found that it is not a paddy land as of now, to grant permit in accordance with law. There is no reason as to why this Court should not adopt the same course in this case also.

In the result, Ext.P2, the order impugned is set aside and the respondent Corporation is directed to conduct an inspection of the property in question and satisfy themselves as to the nature of the property and if it is found that it is not a paddy land as claimed by the Corporation, irrespective of the entry in their records, they shall grant permit for putting up the structures in accordance with law.

The writ petition is disposed of as above.

sb.

P. BHAVADASAN,
JUDGE