

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 26959 of 2015 (T)

PETITIONER:

**S.NIRMALAN
MINI HOUSE,
LIGHT HOUSE BEACH, KOVALAM
THIRUVANANTHAPURAM**

**BY ADVS.SRI.PIRAPPANCODE V.S.SUDHIR
SRI.JELSON J.EDAMPADAM**

RESPONDENTS:

- 1. THIRUVANANTHAPURAM CORPORATION
REPRESENTED BY ITS SECRETARY
CORPORATION OF THIRUVANANTHAPURAM**
- 2. THE SECRETARY
THIRUVANANTHAPURAM CORPORATION,
THIRUVANANTHAPURAM**
- 3. THE ASSISTANT ENGINEER/TOWN PLANNER
LEGAL SECTION, ZONAL OFFICE, VIZHINJAM
CORPORATION OF THIRUVANANTHAPURAM, ZONAL OFFICE
VIZHINJAM, THIRUVANANTHAPURAM**

BY SRI.P.K.MANOJKUMAR, SC,THIRUVANANTHAPURAM CORPORATION

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE LETTER DTD 20/9/2001 OF THE VILLAGE OFFICER, VIZHINJAM**
- P2:- TRUE COPY OF THE ORDER OF THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM**
- P3:- TRUE COPY OF THE REPORT NO 1794/2002 DTD 16/10/2002 OF THE VILLAGE OFFICER, VIZHINJAM**
- P4:- TRUE COPY OF THE NOTICE NO B9/5663/01 DTD 10/10/2002 OF THE DISTRICT COLLECTOR**
- P5:- TRUE COPY OF THE RECEIPT DTD 11/2/1996 ISSUED BY THE VIZHINJAM PANCHAYATH, EVIDENCING THE PAYMENT OF BUILDING TAX FOR BUILDING NOS VP-1/1332 AND 1/1333 FOR THE YEARS 1995/1996 AND 1996/1997**
- P6:- TRUE COPY OF THE JUDGMENT DTD 19/9/2006 OF THIS HON'BLE COURT IN OP 34310/2002**
- P7:- TRUE COPY OF THE NOTICE NO A3-371/07-08 DTD 27/3/2008 OF THE SECRETARY, VIZHINJAM PANCHAYATH**
- P8:- TRUE COPY OF THE PROVISIONAL ORDER NO A3-371/07-07 DTD 27/3/2008 APPENDED ALONG WITH EXT P7**
- P9:- TRUE COPY OF THE RECEIPT NO 78853 DTD 27/3/2008**
- P10:- TRUE COPY OF THE REPRESENTATION DTD 11/5/2009 SUBMITTED BY THE PETITIONER BEFORE THE SECRETARY, VIZHINJAM GRAMA PANCHAYATH**
- P11:- TRUE COPY OF THE RECEIPT NO 1023 EVIDENCING THE PAYMENT OF BUILDING TAX FOR BUILDING NO VP-1/1333**
- P12:- TRUE COPY OF THE LICENSE NO A2/49/77/10 DTD 11/5/2010 ISSUED TO THE PETITIONER FOR RUNNING THE HOTEL AND RESTAURANT IN VP 1/1333**
- P13:- TRUE COPY OF THE NOTICE NO 5/AE/VZM/2011-2012 DTD 2/5/2011 ISSUED BY THE 3RD RESPONDENT**

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P14:- TRUE COPY OF THE REPLY DTD 9/5/2011 TO EXT P13 NOTICE

**P14(A):- TRUE COPY OF THE RECEIPT DTD 16/5/2011 ACKNOWLEDGING
THE RECEIPT OF EXT P14 REPLY BY THE RESPONDENTS**

P15:- TRUE COPY OF THE ORDER NO V2 A1 X /0 2832(35)14 DTD 10/5/2015

P16:- TRUE COPY OF THE COVER WHEREIN EXT P15 ORDER WAS ENCLOSED

RESPONDENT(S)' EXHIBITS::-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 26959 OF 2015

Dated this the 8th day of September, 2015

JUDGMENT

The petitioner confines his relief to an early consideration of Ext.P14 objection filed to Ext. P13 notice issued by the third respondent. The petitioner assails Ext. P15 order on the ground that it was passed pending consideration of Ext. P14 objection. It is also contended that the petitioner has not received the provisional order pursuant to which Ext. P15 final order was passed.

2. I direct the third respondent to consider Ext.P14 objection with notice to the petitioner within a period of one month. Ext. P15 order shall not be enforced till orders are passed on Ext. P14 objection as directed above.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS