

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 27157 of 2015 (T)

PETITIONER :

**FRANCIS CLEETUS, AGED 54 YEARS,
S/O FRANCIS, MANAGING DIRECTOR,
M/S. NTC CONSTRUCTIONS PVT. LTD.,
RESIDING AT CLIFFI HOUSE, TC 13/287,
VANCHIYOOR P.O., THIRUVANANTHAPURAM,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
SIBI VARGHESE, AGED 40 YEARS,
S/O M.D. VARGHESE, RESIDING AT MANJALIL,
THOKKUPARA P.O., IDUKKI-685 564.**

**BY ADVS.SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR
SRI.K.JAGADEESH**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
KUDAPPANAKUNNU, THIRUVANANTHAPURAM-695 043.**
- 2. THE VILLAGE OFFICER,
KADINAMKULAM VILLAGE, KADINAMKULAM P.O.,
THIRUVANANTHAPURAM-695 011.**

BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 27157 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE PHOTOSTAT COPY OF THE NOTICE NO.400/14, DATED 4.9.2014
ISSUED BY THE 2ND RESPONDENT.**

**EXHIBIT P2: TRUE PHOTOSTAT COPY OF THE NOTICE ISSUED BY THE 2ND
RESPONDENT, DATED 19.8.2014.**

**EXHIBIT P3: TRUE PHOTOSTAT COPY OF THE JUDGMENT IN WPC NO.14362/2015,
DATED 12.5.2015 OF THE KERALA HIGH COURT.**

**EXHIBIT P4: TRUE PHOTOSTAT COPY OF THE REPORT OF THE DISTRICT HEAD
SURVEYOR TO THE DISTRICT SUPERINTENDENT DATED 6.6.2015.**

**EXHIBIT P5: TRUE PHOTOSTAT COPY OF THE ORDER NO.B12-71330/14, DATED
8.8.2015 ISSUED BY THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 27157 of 2015

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Dated this the 23rd day of September, 2015

J U D G M E N T

The petitioner aggrieved by Ext.P5 order passed by the District Collector has approached this Court.

2. By Ext.P5 order, the petitioner has been ordered to obtain permission from CRZ authority and also from local authority to undertake construction and it is also ordered that if it is ultimately found that the petitioner's construction is illegal based on the orders of Tribunal for Local Self Government, the petitioner is liable to remove the construction.

3. The petitioner's challenge is that the order is beyond the scope of power of the District Collector.

4. The petitioner's case is that he does not require any permission from CRZ authority. The petitioner undertakes construction based on the order passed by the Tribunal for local self Government.

5. This Court is of the view that if the revenue officials case

that the construction is within the CRZ area, they are free to take up the matter with CRZ authority to take appropriate action. The impugned order to the above extent is set aside. The petitioner is armed with any order from the Tribunal for Local Authority, the petitioner is free to undertake construction in accordance with law.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE