

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 27610 of 2015 (A)

PETITIONERS:

1. A.X. ANDREWS. AGED 51 YEARS,
S/O.AMBATTU PAPPU XAVIER,
AMBATTU HOUSE, KOTHAD P.O.,
VARAPPUZHA, ERNAKULAM DISTRICT.
2. SHANTI ANDREWS, AGED 50 YEARS,
W/O.A.X.ANDREWS, AMBATTU HOUSE,
KOTHAD P.O., VARAPPUZHA
ERNAKULAM DISTRICT

(BOTH REPRESENTED BY THEIR POWER OF ATTORNEY HOLDER
HELAN MOLY , W/O.JOY, CHALIL HOUSE, THRISSUR DISTRICT)

BY ADV. SMT.K.M.RASHMI (PARAVOOR)

RESPONDENTS:

1. SECRETARY, VARAPPUZHA GRAMA PANCHAYATH,
VARAPPUZHA, ERNAKULAM DISTRICT. PIN 683 517.
2. SECRETARY, AMBALATHINGAL WELFARE TRUST,
VARAPPUZHA, ERNAKULAM DISTRICT, PIN 683 517.

R1 BY ADV. SMT.P.K.PRIYA
R1 BY ADV. AJR VARGHESE, SC, VARAPPUZHA GRAMA PANCHAYATH
R2 BY ADV. SRI.SOORAJ T.ELENJICKAL
R2 BY ADV. SRI.S.PRASANTH
R2 BY ADV. SRI.P.A.MOHAMMED SHAH
R2 BY ADV. SMT.P.M.MAZNA MANSOOR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - TRUE COPY OF THE POWER OF ATTORNEY DATED 26.8.2015
- EXHIBIT P2 - TRUE COPY OF THE TITLE DEED DATED 26.9.1997
- EXHIBIT P3 - TRUE COPY OF THE COMPLAINT DATED 19.8.2015
- EXHIBIT P4 - TRUE COPY OF THE RECEIPT DATED 19.8.2015

RESPONDENT(S)' EXHIBITS

- EXHIBIT R1(a) - THE TRUE COPY OF THE JUDGMENT DATED 08.08.2004 IN OS NO. 512/1998 ON THE FILES OF THE MUNSIF'S COURT, PARAVUR.
- EXHIBIT R1(b) - THE TRUE COPY OF JUDGMENT DATED 02.12.2008 IN OS NO. 512/1998 ON THE FILES OF THE MUNSIF'S COURT, PARAVUR.
- EXHIBIT R1(c) - THE TRUE COPY OF THE BUILDING PERMIT ISSUED TO THE 2ND RESPONDENT BY THE 1ST RESPONDENT DATED 12.03.2014.
- EXHIBIT R1(d) - THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT DATED 03.08.2015.
- EXHIBIT R1(e) - THE TRUE COPY OF THE REPORT DATED 05.08.2015.
- EXHIBIT R1(f) - THE TRUE COPY OF THE STOP MEMO DATED 05.08.2015 ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT.
- EXHIBIT R1(g) - THE TRUE COPY OF THE LETTER ISSUED TO BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT.
- EXHIBIT R1(h) - THE TRUE COPY OF THE REVISED PERMIT DATED 04.09.2015 ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT.
- EXHIBIT R1(i) - THE TRUE COPY OF APPLICATION FILED UNDER R.I. ACT TO THE 1ST RESPONDENT BY MR. A.X. JOY, AMBAT HOUSE ON 19.08.2015.
- EXHIBIT R2(a) - THE TRUE COPY OF THE BUILDING PERMIT DATED 12.03.2014 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT R2(b) - THE TRUE COPY OF THE STOP MEMO ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT R2(c) - THE TRUE COPY OF THE REVISED PERMIT DATED 04.09.2015 ISSUED BY THE 1ST RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 27610 OF 2015

Dated this the 5th day of October, 2015

JUDGMENT

The petitioners complain of unauthorised construction by the second respondent. The second respondent however maintains that the construction is strictly in accordance with Ext.R1(h) revised building permit.

2. The parties are at variance as to whether Ext.P3 complaint has been filed by the petitioners or not. It is open to the petitioners to move the first respondent if there is any grievance left for them.

No further directions are warranted at this juncture and the writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd