

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 28051 of 2014 (F)

PETITIONER(S):

**SANJITH K.F., AGED 24 YEARS,
S/O.K.N. FERDINAND, 'VISAKH',
KULATHOOR DESOM, KARODE VILLAGE,
UCHAKKADA P.O., NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT.**

**BY SRI.R.D.SHENOY, SENIOR ADVOCATE.
ADVS. SRI.V.G.ARUN,
SRI.RENJITH B.MARAR.**

RESPONDENT(S):

- 1. BHARAT PETROLEUM CORPORATION LIMITED,
REPRESENTED BY GENERAL MANAGER, LPG, BPCL,
BHARAT BHAVAN 4 & 6, CURRIMBOY ROAD,
BELLARD ESTATE, P.B. NO.688, MUMBAI - 400 001.**
- 2. THE TERRITORY MANAGER (LPG), TRIVANDRUM LPG TERRITORY,
BHARAT PETROLEUM CORPORATION LIMITED,
THIRUVANANTHAPURAM - 695 121.**
- 3. NEYYATTINKARA MUNICIPALITY,
REPRESENTED BY THE SECRETARY,
MUNICIPAL OFFICE, T.B. JUNCTION, NEYYATTINKARA,
THIRUVANANTHAPURAM - 695 121.**

**R1 & R2 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR,
SRI.P.GOPINATH,
SRI.P.BENNY THOMAS,
SRI.K.JOHN MATHAI,
SRI.JOSON MANAVALAN,
SRI.KURRYAN THOMAS.**

**R3 BY ADVS. SRI.PIRAPPANCODE V.S.SUDHIR,
SRI.JELSON J.EDAMPADAM.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE LETTER OF INTENT DATED 14.05.2014.
- EXT.P2 COPY OF THE LEASE DEED DATED 24/10/2013.
- EXT.P3 COPY OF INTIMATION NO.E1/BLN/79/14-15 DATED 28.08.2014.
- EXT.P4 COPY OF THE DECISION NO.17(1)OF NEYYATTINKARA MUNICIPALITY
DATED 26.08.2014.
- EXT.P5 COPY OF THE MEMORANDUM OF UNDERSTANDING
DATED 05.09.2014.
- EXT.P6 COPY OF THE REPRESENTATION DATED 10.09.2014.
- EXT.P7 COPY OF THE LETTER DATED 18.10.2014.

RESPONDENT'S ANNEXURE:-

- ANNEXURE R1A COPY OF THE RELEVANT PAGES OF THE SELECTION OF THE
PETITIONER IS GOVERNED BY THE BROCHURE ON
GUIDELINES FOR SELECTION OF REGULAR LPG
DISTRIBUTORS, AUGUST 2013.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).Nb.28051/2014

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Dated this the 21st Day of December, 2015

J U D G M E N T

The petitioner was issued with a Letter of Intent for establishing LPG Distributorship. Petitioner's an application for constructing a godown has been rejected by the third respondent-Municipality by Exhibits P3 and P4. It is recorded therein that the rejection is on account of a protest from the local people. The petitioner made an alternate request to change the location from the site covered by Exhibit P1 lease deed to the property covered by Exhibit P5 memorandum of understanding, before the first respondent, on account of the rejection of the application for building permit by the third respondent. However, the second respondent's stand is that after the last date of submission of the application, the petitioner cannot change the location. According to them it is against the selection guidelines. Exhibit P7 is the communication issued by the second respondent to the petitioner intimating the above view.

2. This Court is of the view that the second respondent is justified in taking the above decision that as per the selection guidelines, the petitioner cannot be permitted to change the location after the last date of submission of the application. Therefore, the only question is whether the decision of the third respondent is sustainable or not.

3. An application for building permit has to be considered in terms of the building Rules. Nowhere in the building Rules it is contemplated that an application for building permit can be rejected on account of a protest from the local people or otherwise by the public. No ground is enumerated in the building Rules to reject the application on the basis of protest. Therefore, this Court is of the view that Exhibits P3 and P4 are unsustainable. Exhibits P3 and P4 are accordingly, set aside. The third respondent is directed to consider the application afresh in accordance with law *de hors* to the objection by the local people within two weeks from the date of receipt of copy of this judgment. It is made clear that the Letter of Intent shall not be rejected on account of the delay in this matter for a period of two months.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE