

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. 28014 of 2015 (B)

PETITIONER(S):

1. K.M.ABDUL SUDHEER, S/O. MUHAMMED, AGED 45 YEARS,
RESIDING AT KUZHIKANDATHIL HOUSE, P.O. CHOOLOOR,
THRISSUR- 680 567.
2. BABURAJAN, S/O. ANTHONY, AGED 45 YEARS,
RESIDING AT ALOOR HOUSE, P.O. ARANATTUKARA,
THRISSUR DISTRICT.
(THE 2ND PETITIONER IS REPRESENTED HEREIN BY HIS
POWER OF ATTORNEY HOLDER-WIFE-
PRIYABABURAJAN, W/O.BABURAJAN,
AGED 37 YEARS,
RESIDING AT ALOOR HOUSE,
P.O.ARANATTUKARA, THRISSUR DISTRICT.)

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

RESPONDENT(S):

1. THRISSUR CORPORATION, REPRESENTED BY ITS
SECRETARY, CORPORATION OFFICE,
THRISSUR- 680 001.
2. THE HEALTH OFFICER, THRISSUR CORPORATION,
CORPORATION OFFICE, THRISSUR-680 001.

R1-R2 BY ADV. SRL.K.P.VIJAYAN, SC,THRISSUR CORPORATION.
R1-R2 BY ADV. SRL.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:

W.P.(C).28014/2015.

APPENDIX

PETITIONERS' EXTS:

EXT. P1 : TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT TO THE 2ND PETITIONER DATED 25.6.2014.

EXT. P2 : TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER DATED 12.11.2014.

EXT. P3 : TRUE COPY OF THE LETTER ADDRESSED BY THE 1ST PETITIONER TO THE 2ND RESPONENT DATED 28.11.2014.

EXT. P4 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER TO THE 1ST RESPONDENT DATED 23.2.2015.

P. BHAVADASAN, J.

W.P.(C). No. 28014 of 2015

Dated this the 16th day of September, 2015.

JUDGMENT

The first petitioner is running bakery business in the premises in question owned by the second petitioner. The bakery has been in existence for the last 10 years with the necessary documents obtained from the authorities concerned. The second petitioner thereafter applied for change of occupancy from residential to commercial. He paid the requisite fee. However, as per the Building Rules, certain changes had to be brought out to the premises which the second petitioner was directed to undertake. While that was being done, Ext.P2 was issued to the first petitioner calling upon him to stop the functioning of the bakery till the change of occupancy procedure is completed. First petitioner immediately replied pointing out that steps have been taken to rectify the irregularity pointed out by the Corporation. It is

now pointed out that the second petitioner has complied with the directions issued by the Corporation and there is no reason as to why sanction should not be given for change of occupancy.

2. The petitioners have produced Ext.P4 wherein they have pointed out that they have complied with the instructions given by the Corporation and there is no violation as of now and that there is no reason as to why change of occupancy should not be granted.

3. The limited prayer of the petitioners in this writ petition is for a direction to the first respondent to consider Ext.P4 on merits and pass orders thereon in accordance with law after hearing the petitioners.

4. In the nature of the prayer made and in the light of the facts and circumstances as disclosed in the writ petition and also from the documents produced along with the petition, the request seems to be just and reasonable.

Therefore, this writ petition is disposed of directing the first respondent to take up Ext.P4, consider it on merits and take a decision thereon in accordance with law after hearing the petitioners.

sb.

P. BHAVADASAN,
JUDGE