

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 28041 of 2015 (E)

PETITIONER:

**ALAVI HAJI, AGED 48 YEARS
S/O. MOHAMMED HAJI,
PALLATIL MELETHODI HOUSE
NELLIKUTH P.O.,
MANJERI,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.VENUGOPAL (1086/92)
SMT.T.J.MARIA GORETTI**

RESPONDENTS:

- 1. MANJERI MUNICIPALITY
MANJERI, MALAPPURAM DISTRICT
REPRESENTED BY ITS SECRETARY,
PIN-676 121.**
- 2. SECRETARY
MANJERI MUNICIPALITY, MANJERI
MALAPPURAM DISTRICT-676 121.**
- 3. THE DISTRICT COLLECTOR
MALAPPURAM, PIN-676 505.**

**R1 & R2 BY SRI.K.SHIBILI NAHA, SC, MANJERI MUNICIPALITY
R3 BY SR. GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 28041 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE POSSESSION CERTIFICATE DTD.6.6.2015 ISSUED BY THE VILLAGE OFFICER, MANJERI TO THE PETITIONER.**
- P2 : COPY OF THE SITE PLAN SHOWING THE LIE OF THE PROPERTY OF THE PETITIONER.**
- P3 : COPY OF THE PHOTOGRAPHS OF THE PROPERTY OF THE PETITIONER AND ITS ADJACENT BUILDINGS.**
- P4 : COPY OF THE NOTICE/ORDER VIDE NO.E3-13290/15 DTD.3.8.2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**
- P5 : COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WPC NO.17189/2015 DTD.24.6.2015.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 28041 OF 2015

Dated this the 15th day of October, 2015

JUDGMENT

The issue is covered by Ext.P5 judgment in W.P.(C). No. 17189/2015. Ext. P4 order declining building permit to the petitioner militates against Ext.P5 judgment. Moreover there was no site inspection preceding the same to gauge the nature of the buildings nearby.

2. I quash Ext. P4 order and direct the second respondent to reconsider the application for building permit put in by the petitioner. The same shall be done with notice to the petitioner within a period of two months.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS