

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 28362 of 2014 (U)

PETITIONER :

**GIRIJA,
SREE BHAVAN, CHEKOTTUKONAM, THUNDATHIL P.O.,
THIRUVANANTHAPURAM - 695 581.**

**BY ADVS.SRI.S.MOHAMMED AL RAFI
SRI.S.R.AJITH**

RESPONDENT(S):

- 1. THE THIRUVANANTHAPURAM CORPORATION,
REPRESENTED BY THE SECRETARY,
THIRUVANANTHAPURAM - 695 033.**
- 2. THE ASSISTANT ENGINEER,
THIRUVANANTHAPURAM CORPORATION,
THIRUVANANTHAPURAM - 695 033.**

**R1 & R2 BY SENIOR STANDING COUNSEL SRI.N.NANDAKUMARAMENON
SRI.P.K.MANOJKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).No. 28362 of 2014 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1- TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT
DATED 05/06/2014.

EXHIBIT-P2- TRUE COPY OF THE JUDGMENT DATED 21/12/2011 IN
W.P(C).NO. 33199/2011 PASSED BY THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 28362 of 2014

Dated this the 12th day of March, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Senior Counsel for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, being the owner of certain property in Cheruvakkal Village, initially applied for building permit, which was rejected by the second respondent Corporation through Exhibit P1 proceedings. Aggrieved thereby, she has filed the present writ petition.

3. The learned Senior Counsel for the respondent Corporation has fairly submitted that subsequent to filing of the writ petition, the first respondent notified a new scheme through G.O. (P) No. 227/2014/LSGD, dated

20.12.2014. He has further submitted that now the respondent Corporation is willing to consider the petitioner's application in the light of the new scheme.

4. Indeed, the learned counsel for the petitioner has contended that as per the new scheme, the Survey number, in which the petitioner's property is situated, is exempted from its purview.

5. Be that as it may, it is for the authorities to take an appropriate decision on petitioner's application for building permit, keeping in view the new scheme referred to above.

6. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Senior Counsel for the respondents, without expressing any opinion on the merits of the matter, this Court disposes of the present writ petition with a direction to the first respondent to consider the application submitted by the petitioner in accordance with law, and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

With the above observation, this writ petition is disposed of.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-