

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 28787 of 2015 (W)

PETITIONER(S) :

SUBAIR.M AGED 39 YEARS
S/O.ABDUL KHADER, MUNIYACODE HOUSE, CHITHARI
CHAMUNDIKUNNU, AJANOUR, KASARGOD DT.

BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH

RESPONDENT(S) :

1. THE SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT DEPARTMENT
SECRETARIAT, TRIVANDRUM - 695001.
2. THE MUNICIPAL COUNCIL
KANHANGAD MUNICIPALITY, KANHANGAD
KASARGOD DISTRICT 671 315
REPRESENTED BY ITS CHAIRMAN.
3. THE KANHANGAD MUNICIPALITY
REPRESENTED BY ITS SECRETARY, KANHANGAD
KASARGOD 671 315.

R1-ADV.K.A.SANJEETHA, GOVERNMENT PLEADER
R2 AND R3 BY SRI.T.K.VIPINDAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

- P1- TRUE COPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT DATED 29.11.2011
P2- TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT DATED 30.10.2014
P3- TRUE COPY OF THE RELEVANT PAGES OF KERALA MUNICIPALITY BUILDINGS RULES
P4- TRUE COPY OF THE LETTER ISSUED BY 1ST RESPONDENT DATED 9.9.2015
P5- TRUE COPY OF THE CERTIFICATE ISSUED BY THE LOCAL MLA, KANHANGAD DATED 23.5.2015
P6- TRUE COPY OF THE NOTICE DATED 12.8.2015 ISSUED BY THE 3RD RESPONDENT
P7- TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY KANHANGAD MUNICIPALITY DATED 3.2.2015
P8- TRUE COPY OF THE JUDGMENT IN WP 25348/15 PASSED BY THIS HONOURABLE COURT DATED 31.8.2015
P9- TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 26.8.2015
P10- TRUE COPY OF THE NOTICE DATED 8.9.2015 ISSUED BY THE 2ND RESPONDENT

RESPONDENT(S) ' EXHIBITS

NIL

TRUE COPY

SKS

P.A. TO JUDGE

V.CHITAMBARESH, J.

W.P (C) No.28787 of 2015

Dated this the 30th day of September, 2015

J U D G M E N T

The question of regularisation of the construction of the building is pending consideration with the first respondent at the instance of the additional 4th respondent evidenced by Ext.P4 communication. It is only proper that the decision thereon is awaited by the Municipal Council before whom Ext.P9 appeal is filed by the petitioner against Ext.P6 notice.

2. I have heard the Standing Counsel for the Municipality as well as the counsel for the additional 4th respondent. It is reported that the Municipal Council has already heard Ext.P9 appeal. (The Sub-Committee constituted has heard the appeal and placed it before the Municipal Council).

3. I direct the first respondent to pass orders on the question of regularisation of the building within a period of two months. The 2nd respondent Municipal Council shall take a decision on Ext.P9 appeal dependent on the orders passed by the

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first respondent. This interim arrangement shall continue notwithstanding the vehement objection of the Standing Counsel of the Municipality.

The Writ Petition is disposed of accordingly.

**V.CHITAMBARESH,
Judge.**

sks