

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 29235 of 2015 (D)

PETITIONER:

DR. LEENA JOSEPH, AGED 43 YEARS,
W/O. ALEX THOMAS, THOTTICHIRA HOUSE,
ATHIRAMPUZHA VILLAGE, THELLAKAM P.O.,
KOTTAYAM DISTRICT NOW RESIDING AT 40,
STONELEIGH PARK, LEXDEN-ESSEX, COLCHESTER
C O 39 FA, U.K., REPRESENTED BY HER DULY CONSTITUTED
POWER OF ATTORNEY HOLDER MRS. ANNAMMA THOMAS,
THOTTICHIRA HOUSE, ATHIRAMPUZHA VILLAGE,
PERUMPAIKKAD P.O., KOTTAYAM DISTRICT.

BY ADVS. SRI. N. RAGHURAJ
SMT. K. AMMINIKUTTY

RESPONDENTS:

1. THE KOTTAYAM MUNICIPALITY,
MUNICIPAL BUILDINGS, KOTTAYAM-1
REPRESENTED BY ITS SECRETARY.
2. THE SECRETARY, THE KOTTAYAM MUNICIPALITY
MUNICIPAL BUILDINGS, KOTTAYAM-1.
3. THE ASSISTANT ENGINEER,
KOTTAYAM MUNICIPALITY,
KOTTAYAM - 01.

BY SRI. S. RANJIT (KOTTAYAM), SC, KOTTAYAM MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE SETTLEMENT DEED EXECUTED IN FAVOUR OF THE PETITIONER DT.18-10-2006.
- EXHIBIT P1(a) : TRUE COPY OF THE SETTLEMENT DEED EXECUTED IN FAVOUR OF THE PETITIONER DT.18-10-2006.
- EXHIBIT P2 : TRUE COPY OF THE SITE PLAN OF THE PROPERTIES.
- EXHIBIT P3 : TRUE PHOTOGRAPHS OF THE PROPERTIES.
- EXHIBIT P4 : TRUE COPY OF THE RELEVANT EXTRACT OF THE PADDY LAND AND WET LAND IDENTIFICATION DETAILS.
- EXHIBIT P5 : TRUE COPY OF THE APPLICATION DT.22-7-2015.
- EXHIBIT P6 : TRUE COPY OF THE POSSESSION CERTIFICATE.
- EXHIBIT P7 : TRUE COPY OF THE ORDER/MEMO BEARING NO.PW3/PW7 DT.6-8-2015.
- EXHIBIT P8 : TRUE COPY OF THE JUDGMENT IN WPC 27819/2015 DT.15-9-2015.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 29235 OF 2015

Dated this the 5th day of October, 2015

JUDGMENT

Ext.P4 extract of the data bank reflects that the land in question was reclaimed as early as in the year 1950. More than 65 years have elapsed since then and the property has ceased to be a 'wet land' . The mere fact that the property has been described as 'wet land' in the revenue records is not a reason enough to decline the building permit.

2. Ext.P7 order declining the building permit is quashed and the respondents are directed to reconsider the application accordingly. The same shall be done after a local inspection of the property with due notice to the parties. Final orders shall be passed within a period of two months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**