

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

WP(C).No. 29748 of 2014 (P)

PETITIONERS:

1. P.K. AHAMMEDKUTTY HAJI, AGED 68 YEARS,
S/O MOOSA, PERUVANKUZHIYIL HOUSE, MAYILAPURAM,
MALAPPURAM DISTRICT
2. KHADEEJA,
W/O AHAMMEDKUTTY HAJI, PERUVANKUZHIYIL HOUSE,
MAYILAPURAM, MALAPPURAM DISTRICT.

BY ADVS.SRI.BABU S. NAIR
SMT.SMITHA BABU

RESPONDENTS:

1. THE MALAPPURAM MUNICIPALITY,
REPRESENTED BY ITS SECETARY, MALAPPURAM 676 505
2. THE SECRETARY,
MALAPPURAM MUNICIPALITY, MALAPPURAM DISTRICT 676 505

R. BY ADV. SRI.ESM.KABEER, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 29748 of 2014 (P)

APPENDIX

PETITIONERS' EXHIBITS : NIL

EXHIBIT P1 TRUE COPY OF THE COMMUNICATION ISSUED TO THE PETITIONERS
BY THE 2ND RESPONDENT DATED 18-10-2014

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

rv

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 29748 of 2014 (P)

Dated this the 27th day of January, 2015.

JUDGMENT

In the light of the ratio laid down in Sivaprasad v. State of Kerala (2011 (1) KLT 690), this Court disposes of the writ petition on the same lines applying the ratio laid down by this Court in the said decision, thereby setting aside Ext.P1.

Consequently, the 2nd respondent is directed to consider the petitioner's application for building permission afresh, if necessary, by referring the matter to the District Town Planner, after subjecting the land in question to physical verification, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

Sd/- DAMA SESHADRI NAIDU, JUDGE.

