

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

WP(C).No. 29967 of 2015 (U)

PETITIONER(S):

SAJAN FRANCIS,AGED 53 YEARS,S/O.FRANCIS,PADIKKALA HOUSE,
PALACE ROAD, CHALAKKUDY, PIN-680 307.

BY ADVS.SRI.K.S.BHARATHAN
SMT.S.ANJUSHA

RESPONDENT(S):

1. CHALAKUDY MUNICIPALITY,REPRESENTED BY ITS SECRETARY,
CHALAKUDY MUNICIPAL OFFICE, RAILWAY STATION ROAD
CHALAKUDY, PIN-680 307.
2. C.A.THOMAS,MALIYEKKAL CHETTAKKA HOUSE,VELLIKKULAM ROAD,
NORTH CHALAKUDY, PIN-680 307.
3. NAUSHAD,FLOWER MERCHANT,POLICE STATION ROAD,
SOUTH JUNCTION, CHALAKUDY, PIN-680 307.
4. RAGHAVAN, BOMBAY HAIR SETTING SALOON
POLICE STATION ROAD, SOUTH JUNCTION,
CHALAKUDY, PIN - 680 307.
5. E.S.JOSE, ELAMBLASSERY HOUSE, NEAR POTTA ASHRAMAM,
POTTA, PIN-680 722.

R4 BY ADV. SRI.K.M.FIROZ
R4 BY ADV. SMT.M.SHAJNA
R4 BY ADV. SRI.S.KANNAN
R4 BY ADV. SMT.UMMUL FIDA
R5 BY ADV. SRI.JOHN JOSEPH VETTIKAD
R5 BY ADV. SRI.C.JOSEPH JOHNY
R2 BY ADV. SRI.K.J.MOHAMMED ANZAR
R1 BY ADV. SRI.SHEEJO CHACKO, SC, CHALAKUDY MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1:TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 14.06.2011.

EXT.P2:TRUE COPY OF THE RECEIPT ISSUED ON BEHALF OF THE 1ST RESPONDENT
DATED 14.06.2011.

EXT.P3:TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT DATED
30.12.2011.

EXT.P4:TRUE COPIES OF THE RELEVANT PAGES OF THE FILE MAINTAINED BY THE
1ST RESPONDENT.

EXT.P5:TRUE COPY OF THE LETTER ISSUED BY THE ASSISTANT EXECUTIVE
ENGINEER, PUBLIC WORKS DEPARTMENT, IRINJALAKUDA DATED 01.09.2015.

EXT.P6:TRUE COPY OF THE LETTER ISSUED BY THE EXECUTIVE
ENGINEER,BUILDINGS SECTION,THRISSUR DATED 04.09.2015.

EXT.P7:TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 08.09.2015.

EXT.P8:TRUE COPY OF THE RECEIPT ISSUED ON BEHALF OF THE 1ST RESPONDENT
DATED 09.09.2015.

RESPONDENT(S)' EXHIBITS :

EXT.R1(a) : PHOTOGRAPHS SHOWING THE PRESENT CONDITION OF THE
BUILDING.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.29967 of 2015

Dated this the 6th day of November, 2015

J U D G M E N T

The power under Section 411 of the Kerala Municipality Act is sought to be invoked by the petitioner. The petitioner asserts that the line building in question is in a ruinous state. Respondents 2 to 4 are the tenants in occupation and the fifth respondent is the landlord.

2. Exts.P1 and P7 representations put in by the petitioner is pending with the first respondent. I direct the first respondent to consider the same with notice to the petitioner as well as respondents 2 to 5. Exts.R4(b) and R4(c) filed by the fourth respondent shall also be adverted to in the exercise.

3. The proceedings shall be taken to a logical end within a period of one month from the date of receipt of a copy of this judgment.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj/6.11.15