

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 31819 of 2015 (B)

PETITIONER:

**SHAMSUDHEEN A.K., AGED 47 YEARS
S/O.KUNHAPPUHAJI,
ALAKURUSSITHODY HOUSE, GREEN HOUSE
OTTAPALAM, PALAKKAD DISTRICT.**

BY ADV. SMT.NITHYA SASI

RESPONDENTS:

- 1. OTTAPALAM MUNICIPALITY
REPRESENTED BY ITS SECRETARY,
MUNICIPAL OFFICE
OTTAPALAM - 679 102.**
- 2. MUNICIPAL ENGINEER
OTTAPALAM MUNICIPALITY,
MUNICIPAL OFFICE
OTTAPALAM - 679 102.**
- 3. TRIBUNAL FOR LOCAL SELF GOVT. INSTITUTIONS
THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY -695 001.**

**R1 & R2 BY ADV. SRI.P.P.THAJUDHEEN, SC, OTTAPALAM MUNICIPALITY
R3 BY SR. GOVERNMENT PLEADER SMT. SANJEETHA K.A.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 31819 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE COMMUNICATION DATED 30.6.2014 BEARING NO.E2-355/14-15 ISSUED BY THE SECOND RESPONDENT**
- P2 - TRUE COPY OF THE MEMORANDUM OF APPEAL NO.778/2014 SUBMITTED BY THE PETITIONER BEFORE THIRD RESPONDENT DT. 1.7.2014**
- P3 - TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE FIRST RESPONDENT IN APPEAL NO.778/2014 DT. 23.12.2014.**
- P4- TRUE COPY OF THE ORDER DATED 9.1.2015 IN APPEAL NO.778/2014 PASSED BY TRIBUNAL FOR LOCAL SELF GOVT. INSTITUTIONS/THIRD RESPONDENT**
- P5 - TRUE COPY OF THE JUDGMENT DATED 9.8.2011 IN WPC. NO.17650/2011 OF THIS HON'BLE COURT**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 31819 OF 2015

Dated this the 04th day of November, 2015

JUDGMENT

Ext. P4 order of the Tribunal for Local Self Government Institutions directs the first respondent to reconsider the application for building permit put in by the petitioner. The petitioner relies on Ext. P5 judgment in W.P.(C). No. 17650/2011 which has a bearing on the question involved.

2. I direct the first respondent to pass final orders on the application for building permit made by the petitioner within a period of two months. The same shall be done with notice to the petitioner and after advertizing to Ext. P4 order and Ext. P5 judgment.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS