

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. 32131 of 2015 (N)

PETITIONER(S) :

C K P FATHIMA SHABEENA AGED 34 YEARS
W/O.SYED AJMAL FOUZ, HOUSEWIFE, RESIDING AT 'UM HAJAZ '
KAYYATH ROAD, THALASSERY AMSOM VADIKKAGAM DESOM
P.O.THALASSERY 670101, KANNUR DISTRICT

BY ADV. SRI.R.SURENDRAN

RESPONDENT(S) :

1. THE SECRETARY, THALASSERY MUNICIPALITY
THALASSERY PO, KANNUR DISTRICT 670101
2. THE THALASSERY MUNICIPALITY
REPRESENTED BY THE SECRETARY
THALASSERY MUNICIPALITY, THALASSERY
KANNUR DISTRICT 670101
3. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM 695001

R3 BY ADV.K.A.SANJEETHA, SENIOR GOVERNMENT PLEADER
R1-R2 BY SRI.I.V.PRAMOD, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 32131 of 2015 (N)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:TRUE COPY OF THE SALE DEED EXECUTED BY SRI.M.M.JIMESH ON 02.07.2014
REGISTERED AS DOCUMENT NO.1353 OF 2014 OF SRO, THALASSERY
P2:TRUE COPY OF THE BASIC TAX RECEIPT DATED 16.05.2015 IN RESPECT OF
THE PROPERTY OWNED AND POSSESSED BY THE PETITIONER
P3:TRUE COPY OF THE PROPERTY TAX RECEIPT DATED 14.07.2015 ISSUED BY
THE FIRST RESPONDENT TO THE PETITIONER IN RESPECT OF THE COMMERCIAL
BUILDING BEARING NO.14/94
P4:TRUE COPY OF THE ORDER DATED 09.09.2015 IN BUILDING APPLICATION
NUMBER E5/BA/303-15-16 ISSUED BY THE ASSISTANT ENGINEER OF SECOND
RESPONDENT WITH REJECTED SITE PLAN
P5:TRUE COPY OF THE CERTIFICATE DATED 17.05.2012 ISSUED BY THE VILLAGE
OFFICER, THIRUVANGAD VILLAGE
P6:TRUE COPY OF THE JUDGEMENT DATED 29.06.2015 IN WPC.NO.15372/2015
P7:TRUE COPY OF THE JUDGEMENT DATED 10.08.2011 IN WPC.NO.25917/2008

RESPONDENT(S) ' EXHIBITS

NIL

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

W.P (C) No.32131 of 2015

Dated this the 6th day of November, 2015

J U D G M E N T

The application for building permit put in by the petitioner has been rejected by Ext.P4 order for three reasons. One of the reasons is that the property has been categorized in the agricultural zone in the Development Plan for Tellichery Town Variation 2007. The same cannot be put against the petitioner in view of Exts P6 and P7 judgments. The other reasons stated in Ext.P4 order are curable defects which the petitioner undertakes to rectify. The petitioner is free to resubmit the application for building permit after curing the defects. The resubmitted application shall be dealt with in accordance with law in the light of the observations made above. Ext.P4 order is quashed for this limited purpose. Respondents 1 and 2 shall pass orders anew within a period of one month.

The Writ Petition is disposed of.

**V.CHITAMBARESH,
Judge.**

sks

