

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 32531 of 2014 (N)

PETITIONER:

MRS SANTHA M.A., W/O.DR.K.RAJENDRAN,
REP. BY THE POWER OF ATTORNEY M.M. SKARIA,
MALIACKA THADATHIL, DEVAGIRI EAST,
MEDICAL COLLEGE POST, NELLIKODE,
KOZHIKODE DISTRICT.

BY ADVS.SRI.P.K.VIJAYAMOHANAN
SRI.NISHIL.P.S.

RESPONDENTS:

1. THE STATE OF KERALA
REP. BY THE SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE CHIEF TOWN PLANNER,
URBAN AND RURAL PLANNING DEPARTMENT,
VIKAS BHAVAN, THIRUVANANTHAPURAM-695 033.
3. THE KOZHIKODE CORPORATION,
REP. BY ITS SECRETARY, CORPORATION OFFICE,
KOZHIKODE-673 001.

R1 & R2 BY GOVERNMENT PLEADER SMT.C.K.SHERIN
R3 BY ADV. SRI. P.V.SURENDRANATH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 32531 of 2014 (N)

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE SITE PLAN ISSUED BY THE VILLAGE OFFICER, PUTHIYANGADI VIDE PROCEEDINGS NO.VO 1729/2011 DATED 23.09.2011.

EXT.P2: TRUE COPY OF THE LOCATION CERTIFICATE ISSUED BY THE VILLAGE OFFICER, PUTHIYANGADI VIDE PROCEEDINGS NO.VO 1729/2011 DATED 23.09.2011.

EXT.P3: TRUE COPY OF THE BUILDING PERMIT NO.E/TP2/119980/11 DATED 9.12.2011 ISSUED BY THE 3RD RESPONDENT.

EXT.P4: TRUE COPY OF THE APPLICATION DATED 31.01.2013 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT FOR OCCUPANCY CERTIFICATE.

EXT.P5: TRUE COPY OF THE COMMUNICATION NO.TP2 11792/13 DATED 24.10.2013 ISSUED BY THE EXECUTIVE ENGINEER OF THE 3RD RESPONDENT CORPORATION.

EXT.P6: TRUE COPY OF THE COMMUNICATION NO.C1/2720/14 DATED 08.04.2014 FROM THE 2ND RESPONDENT TO THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.32531 of 2014 N

Dated this the 9th day of January, 2015

JUDGMENT

In the light of the ratio laid down in **New India Assurance Co. Ltd. v. Ayisha** (2011 (3) KLT 319), the present writ petition is also disposed of on the same lines applying the ratio laid down by the learned Division Bench in the said decision.

2. Keeping in view the ratio laid down in the judgment cited above, the respondent Corporation shall consider Exhibit P4 application of the petitioner, if necessary, after referring the matter to the second respondent, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of month from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

tkv