

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 33180 of 2014 (V)

PETITIONER(S):

JOHNSON, AGED 52 YEARS,
S/O.THOMAKUTTY, VATTAKUZHAY HOUSE
VALLACHIRA P.O., THRISSUR DISTRICT.

BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA

RESPONDENTS:

1. IRINJALAKUDA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE,
IRINJALAKUDA, THRISSUR, PIN-680 121.

2. SECRETARY,
IRINJALAKUDA MUNICIPALITY, MUNICIPAL OFFICE,
IRINJALAKUDA, THRISSUR, PIN-680 121.

R1-R2 BY ADV. SRI.K.K.CHANDRAN PILLAI (SR.)
R1-R2 BY ADV. SRI.ARUN ANTONY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1- TRUE COPY OF THE SALE DEED NO.139/2008 DATED 10.01.2008.

EXT.P2- TRUE COPY OF THE INTIMATION DATED 25.10.2014 ISSUED BY THE MUNICIPALITY TO THE PETITIONER.

EXT.P3- PHOTOGRAPH SHOWING THE PROPERTY OF THE PETITIONER.

EXT.P4- TRUE COPY OF THE DECISION REPORTED IN 2012(1) KHC 523.

EXT.P5- TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 24.11.2014.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 33180 of 2014 V

Dated this the 8th day of January, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for respondents 1 and 2, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, the owner in possession of 44 cents of land in Survey No. 245 and also 60.638 cents in Survey Nos. 245/1 and 246/3 of Irinjalakuda Village, applied on 15.01.2014 for building permission to construct a special residential building, i.e., an apartment. It seems that the 2nd respondent issued Ext.P2 communication to the petitioner informing him that in view a circular of the Government, the petitioner's application cannot be considered. Thereafter, the petitioner submitted Ext.P5 representation supplying

explanation to all the objections raised in Ext.P2, apart from requesting a site inspection with due notice to the petitioner. Ventilating his grievance that Ext.P5 application submitted by him has so far not been considered by the authorities, the petitioner has filed the present writ petition.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner and the learned Standing Counsel, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the 2nd respondent to consider the petitioner's Ext.P5 representation, and if necessary, to subject the petitioner's property to physical verification after due notice to the petitioner, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of this judgment. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

