

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C).No. 33093 of 2015 (J)

PETITIONER(S):

1. **A.T.FRANCIS AGED 58 YEARS,
S/O.THOMAKUTTY,
RESIDING AT ARANGASSERY HOUSE,
ENAMAKKAL P.O.,
VENKITANGU, THRISSUR 680 510**
2. **A.T. CHACKO,
S/O.THOMAKUTTY,
RESIDING AT ARAKKAL HOUSE,
ENAMAKKAL P.O.,
VENKITANGU, THRISSUR 680 510**

**BY ADVS.SRI.K.P.VIJAYAN
SRI.V.N.HARIDAS**

RESPONDENT(S):

1. **VENKITANGU GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, VENKITANGU,
THRISSUR 680 510.**
2. **SECRETARY, VENKITANGU GRAMA PANCHAYAT,
VENKITANGU, THRISSUR 680 510.**
3. **KERALA COASTAL ZONE MANAGEMENT AUTHORITY
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF SCIENCE & TECHNOLOGY,
SASTRABHAVAN P.O., PATTOM,
THIRUVANATHAPURAM 685 004.**
4. **JOSEPH ATTELY, S/O. DEVASSY,
THAIKKATTIL HOUSE, VENKITANGU P.O.,
THRISSUR DISTRICT 680510.**
5. **SOFIA ATTELY, THAIKKATTIL HOUSE,
VENKITANGU P.O., THRISSUR DISTRICT 680 510.**
6. **STATE OF KERALA REP. BY ITS SECRETARY TO THE LOCAL SELF
GOVERNMENT DEPARTMENT,
THIRUVANATHAPURAM 695 001.**

BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S) EXHIBITS:

- EXT.P1: COPY OF THE BUILDING PERMIT DATED 25.05.2015 ISSUED BY THE 2ND RESPONDENT ALONG WITH THE PLAN.
- EXT.P2: COPY OF THE COMPLAINT DATED 9.9.2015 SUBMITTED BY THE PETITIONERS TO THE 2ND RESPONDENT.
- EXT.P3: COPY OF THE ORAL DEPOSITION DATED 26.09.2015 GIVEN BY THE PETITIONERS TO THE 2ND RESPONDENT
- EXT.P4: COPY OF THE COMPLAINT DATED 18.08.2015 PREFERRED BY THE RESIDENTS OF THE SAID AREA TO THE RDO THRISSUR.
- EXT.P5: COPY OF THE REPRESENTATION DATED 18.08.2015 SUBMITTED BY THE RESIDENTS OF THE AREA INCLUDING THE PETITIONERS TO THE DEPUTY DIRECTOR OF PANCHAYATS ISSUED BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

//True copy//

P.A. to Judge

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P.BHAVADASAN, J.

W.P.(C) No. 33093 of 2015

Dated this the 30th day of October, 2015

J U D G M E N T

The short grievance of the petitioners is that in violation of the rules governing for putting up of a structure where coastal zone regulation notification under Section 3(2) of the Environmental Protection Act, 1986 applies and without complying with the required rules and regulations for putting up a structure, respondents 4, 5 and 6 are carrying on construction in the property. They are trying to put up an auditorium in the property which is contrary to the provisions of law and the permit granted now, is not in accordance with law.

2. Pointing out the above infirmities, petitioners had issued Ext.P2 communication to the second respondent calling upon him to look into the matter and to take such steps as are necessary. The grievance of petitioners is that even though Ext.P2 was handed over on 09.09.2015, no

action has so far been taken and the construction is going on unabated.

3. Petitioners point out that in law when violation of the rules and regulations are pointed out, the second respondent is bound to consider that complaint and pass orders in accordance with law. Petitioners therefore seek a direction to the second respondent to dispose of the Ext.P2 after granting an opportunity to the petitioners.

This petition is disposed of directing the second respondent to take up and dispose of Ext.P2 objection stated to have been filed by the petitioners in accordance with law and after hearing all the affected parties within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
P.BHAVADASAN
JUDGE

//True copy//

P.A. to Judge

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