IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 33554 of 2014 (T)

PETITIONER:

ASHA,
TC 1/324,
KESAVA MANDIR,
ULLOOR,
MEDICAL COLLEGE P.O,
THIRUVANANTHAPURAM - 695 011.

BY ADVS.SRI.L.MOHANAN
SMT.LIGEY ANTONY

RESPONDENT(S):

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1. STATE OF KERALA
REPRESENTED BY SECRETARY,
LOCAL ADMINISTRATION,
SECRETARIATE,
THIRUVANANTHAPURAM - 695 001.

2. CORPORATION OF THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY - 695 001.

3. TRIVANDRUM DEVELOPMENT AUTHORITY,
REPRESENTED BY ITS SECRETARY
THIRUVANANTHAPURAM - 695 001.

R1 BY GOVERNMENT PLEADER SMT.C.K.SHERIN
R2 BY SRI.P.K.MANOJKUMAR,SC,TVPM CORPORATION
R3 BY ADV. SRI.K.A.JALEEL, SC., TRIDA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

vmr.

WP(C).No. 33554 of 2014 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: COPY OF THE SETTLEMENT DEED NO.1417/2013 OF PATTOM SRO.

EXHIBIT P2: COPY OF THE TAX RECEIPT DATED 09.07.2013.

EXHIBIT P3: COPY OF THE PLAN PRODUCED ALONG WITH THE APPLICATION FOR BUILDING PERMIT.

EXHIBIT P4: COPY OF THE LETTER REJECTING APPLICATION FOR BUILDING PERMIT DATED 3-2-2014.

EXHIBIT P5: COPY OF THE NOTIFICATION DATED 27.10.1976.

EXHIBIT P6: COPY OF THE JUDGMENT DATED 12.07.2006 IN OP 34791/2001.

EXHIBIT P7: COPY OF THE JUDGMENT DATED 12.07.2006 IN WP(C)16291/2012.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 33554 of 2014

Dated this the 11th day of March, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel, as well as the learned Government Pleader for the respondents, 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, being the owner of certain property in Cheruvakkal Village, initially applied for building permit, which was rejected by the second respondent Corporation through Exhibit P4 proceedings. The ground for rejection seems to be that no building permit can be granted since the petitioner's property was covered under Exhibit P5 development scheme. Aggrieved thereby, the petitioner has filed the present writ petition.

3. The learned Senior Counsel for the respondent Corporation has fairly submitted that subsequent to filing of the writ petition, the first respondent notified a new scheme through G.O. (P) No. 227/2014/LSGD, dated 20.12.2014. He has further submitted that now the respondent Corporation is willing to consider the petitioner's application in the light of the new scheme.

4. Indeed, the learned counsel for the petitioner has contended that as per the new scheme, the Survey number, in which the petitioner's property is situated, is exempted from the purview of the new scheme.

5. Be that as it may, it is for the authorities to take an appropriate decision on petitioner's application for building permit, keeping in view the new scheme referred to above.

6. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel, as well as the learned Government Pleader for the respondents, this Court, without expressing any opinion on the merits of the matter, disposes of the present writ petition with a direction

to the second respondent to consider the application submitted by the petitioner in accordance with law, and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

With the above observation, this writ petition is disposed of.

DAMA SESHADRI NAIDU
JUDGE

DMR/–