

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. 33789 of 2015 (W)

PETITIONER(S) :

V.A RAGHAVAN AGED 83 YEARS
S/O.ACHUTHAN, PROPRIETOR
BOMBAY HAIR SETTING CENTRE
POLICE STATION ROAD, SOUTH JUNCTION
CHALAKKUDY

BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN
SMT.UMMUL FIDA

RESPONDENT(S) :

1. THE SECRETARY, CHALAKKUDY MUNICIPALITY
MUNICIPAL OFFICE, CHALAKKUDY-680 307.
2. THE ASSISTANT ENGINEER
CHALAKKUDY MUNICIPALITY
MUNICIPAL OFFICE, CHALAKKUDY-680 307.
3. THE EXECUTIVE ENGINEER
OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT (BUILDING SECTION)
THRISSUR-680 720
4. THE ASSISTANT EXECUTIVE ENGINEER
OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT (BUILDING SECTION)
THRISSUR-680 121
5. THE ACCOMMODATION CONTROLLER AND TALUK TAHSILDAR
TALUK OFFICE, CHALAKKUDY-680 307.
6. E.S.JOSE, ELAMBASSERY HOUSE, NEAR POTTA ASRAMAM
POTTA, THRISSUR DISTRICT PIN-680 722.
7. SAJAN FRANCIS, PADIKKALA HOUSE, PALACE ROAD, CHALAKKUDY
THRISSUR-680 307
8. C.A.THOMAS, MALIYEKKAL CHETTAKKA HOUSE
VELLIKKULAM ROAD, NORTH CHALAKKUDY,
THRISSUR-680 307
9. NAUSHAD, FLOWER MERCHANT, POLICE STATION ROAD
SOUTH JUNCTION CHALAKKUDY, THRISSUR-680 307

R1 & 2 BY ADV. SRI.SHEEJO CHACKO, SC, CHALAKUDY MUNICIPALITY
R7 BY SRI.K.S.BHARATHAN
R3,R4 & R5 BY ADV.K.A.SANJEETHA, SENIOR GOVERNMENT PLEADER
R8 BY SRI.K.J.MOHAMMED ANZAR

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

APPENDIX

PETITIONERS EXHIBITS

P1-TRUE COPY OF THE CASE STATUS INFORMATION OBTAINED IN RESPECT OF RCR NO.241/2013 FROM THE WEBSITE

P2-TRUE COPY OF THE NOTICE DATED 14.6.2011 SUBMITTED BY THE 7TH RESPONDENT BEFORE THE FIRST RESPONDENT SECRETARY OF THE CHALAKKUDY MUNICIPALITY

P3-TRUE COPY OF THE COMMUNICATION DATED 1.9.2015 ISSUED BY THE 4TH RESPONDENT TO THE THIRD RESPONDENT

P4-TRUE COPY OF THE COMMUNICATION DATED 4.9.2015 ISSUED BY THE 3RD RESPONDENT TO THE FIRST RESPONDENT

P5-TRUE COPY OF THE REPRESENTATION DATED 8.9.2015 SUBMITTED BY THE 7TH RESPONDENT BEFORE THE FIRST RESPONDENT SECRETARY OF THE CHALAKKUDY MUNICIPALITY

P6-TRUE COPY OF THE REPRESENTATION DATED 17.10.2015 SUBMITTED BY THE PETITIONER AGAINST EXTS. P3 AND P4 COMMUNICATIONS

P7-TRUE COPY OF THE APPLICATION DATED 2.11.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND AND 3RD RESPONDENTS

P8-TRUE COPY OF THE OBJECTION AND REQUEST DATED 17.10.2015 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT SECRETARY OF CHALAKKUDY MUNICIPALITY

P9-TRUE COPY OF NOTICE DATED 17.10.2015 ISSUED BY THE PETITIONER TO THE 6TH RESPONDENT LANDLORD

P10-TRUE COPY OF THE STATUTORY APPLICATION UNDER SECTION 17(2) OF THE KERALA BUILDINGS (LEASE AND RENT CONTROL)ACT, 1965 DATED 2.11.2015 SUBMITTED BY THE PETITIONER BEFORE THE 5TH RESPONDENT ACCOMMODATION CONTROLLER.

RESPONDENTS EXHIBITS

NIL

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

W.P (C) No.33789 of 2015

Dated this the 6th day of November, 2015

J U D G M E N T

I have today by judgment in W.P(C)No.29967/2015 directed the Municipality to consider two representations. The representations pertain to the alleged ruinous condition of a line building. The petitioner therein wanted to have the entire line building pulled down.

2. The petitioner herein contends that the entirety of the building need not be demolished. It is his case the building can be sliced into two and only one portion need be (if at all) demolished. The petitioner has in this regard submitted Exts. P6 and P7 representations with the third respondent.

3. I direct the third respondent to consider Exts.P6 and P7 representations within two weeks. The same shall be done with notice to the petitioner, first respondent and respondents 6 to 9.

4. The first respondent shall comply with the direction in W.P (C)No.29967/2015 after obtaining a report from the third respondent. The third respondent shall furnish a report after disposal of Exts.P6 and P7 representations put in by the petitioner.

The Writ Petition is disposed of.

V.CHITAMBARESH, Judge.

sks

