

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 35004 of 2014 (A)

PETITIONER:

**PRAVEEN SOMAN, S/O. SOMAN,
T.C.19/1840, DR. PAI ROAD, POOJAPURA P.O.,
THIRUVANANTHAPURAM DT-695036.**

BY ADV. SRI.B.VJOY SANKER

RESPONDENT(S):

- 1. SECRETARY, CORPORATION OF
THIRUVANANTHAPURAM, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM, PIN - 695033.**
- 2. VADUTH MILATH,
S/O. KHALID, T.C. 18/2186, THIRUMALA P.O.,
THIRUVANANTHAPURAM, PIN - 695 006.**

**R1 BY SRI.N.NANDAKUMARA MENON(SENIOR ADVOCATE)
SRI.P.K.MANOJKUMAR, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 35004 of 2014 (A)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1- TRUE COPY OF THE SALE DEED NO. 3563 DATED 24-12-2009.**
- EXHIBIT P2- TRUE COPY OF THE TAX RECEIPT ISSUED IN THE NAME OF THE PETITIONER.**
- EXHIBIT P3- TRUE COPY OF JUDGMENT IN O.S.NO. 79 OF 1104 DATED 1-4-1931.**
- EXHIBIT P4- TRUE COPY OF THE ORDER DATED 5-08-2013 IN APPEAL NO. 355 OF 2013 OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.**
- EXHIBIT P5- TRUE COPY OF THE JUDGMENT DATED 10-11-2006 IN WPC NO. 10081 OF 2005.**
- EXHIBIT P6- TRUE COPY OF THE JUDGMENT DATED 30-10-2013 IN WPC NO. 25375 OF 2013.**
- EXHIBIT P7- TRUE COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT DATED 27-05-2014.**
- EXHIBIT P8- TRUE COPY OF THE REPRESENTATION DATED JULY 2014.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.A. TO JUDGE

mbr/

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 35004 of 2014

Dated this the 16th day of January, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the first respondent, as well as the learned Senior Counsel for the second respondent, 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 is said to be a registered owner of 8 cents of land in Survey No.1241/487-1 in Manacaud Village, Thiruvananthapuram District, as per sale deed No. 3563 dated 24.12.2009. Though he was initially given building permit on 12.12.2012, the second respondent, aggrieved thereby, approached the Tribunal for Local Self Government Institutions, Thiruvananthapuram, in Appeal No. 355/2013 and invited Exhibit P4 order, whereby

the learned Tribunal directed the first respondent to consider the application of the petitioner afresh, since the earlier permission was granted by an authority who had not been properly delegated the power to be exercised in that regard.

3. Later, in the wake of the direction given by the learned Tribunal in Exhibit P4, the first respondent passed Exhibit P7 order dated 27.05.2014, rejecting the permission for construction on the ground that the petitioner could not prove his title to the property.

4. The record reveals that further aggrieved the petitioner filed Exhibit P8 appeal under Section 509(1) of the Kerala Municipality Act before the Council of Corporation.

5. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel for the first respondent, as well as the learned Senior Counsel for the second respondent, without expressing any opinion on the merits of the matter, this Court disposes of the present writ petition with a direction to the Council of Corporation, Thiruvananthapuram, to consider Exhibit P8 appeal of the

petitioner in accordance with law, and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of two months 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/-