

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

WP(C).No. 36027 of 2015 (C)

PETITIONERS:

1. VINOD NAIR, AGED 45 YEARS,
S/O.G.KARUNAKARAN NAIR, 29/2135,
SAISWARA, PATTERY JN., MAVOOR ROAD,
KUTHIRAVATTOM P.O., KOZHIKODE - 673 016.
2. B.RAJALAKSHMI, AGED 59 YEARS,
D/O.K.T.RAMAKRISHNA RAJA, 29/2135,
SAISWARA, PATTERY JN., MAVOOR ROAD,
KUTHIRAVATTOM P.O., KOZHIKODE-673 016.

BY ADV. SRI.FRANCO T.J.

RESPONDENTS:

1. KOZHIKODE MUNICIPAL CORPORATION,
REPRESENTED BY ITS SECRETARY,
BEACH ROAD, KOZHIKODE-673 032.
2. SECRETARY, KOZHIKODE MUNICIPAL CORPORATION,
BEACH ROAD, KOZHIKODE - 673 032.

BY ADV. SRI.K.D.BABU,SC,KOZHIKODE CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE PHOTOCOPY OF THE TAX RECEIPT DT 8-6-2015 ISSUED BY THE VILLAGE OFFICER, KASABA.
- EXHIBIT P2 : TRUE PHOTOCOPY OF THE POSSESSION CERTIFICATE DT 8-6-2015 ISSUED BY THE VILLAGE OFFICER, KASABA.
- EXHIBIT P3 : TRUE COPY OF THE ORDER DT 17-11-2015 ISSUED BY THE EXECUTIVE ENGINEER.
- EXHIBIT P4 : TRUE COPY OF THE JUDGMENT DT 2-11-2015 IN WPC.31684/2015 OF THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

W.P.(C). NO. 36027 OF 2015

Dated this the 14th day of December, 2015

JUDGMENT

Ext. P3 order declining building permit to the petitioners is obviously not preceded by a local inspection. I quash Ext.P3 order and direct the second respondent to pass orders anew within a period of two months from today.

2. The petitioner undertakes to submit a revised plan in tune with the Kerala Municipality Building Rules. However, I hasten to add that the mere fact that the area is earmarked as residential as per the detailed town planning scheme (which has become obsolete) is not a reason enough to decline the building permit.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS