

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. 37025 of 2015 (C)

PETITIONERS:

1. NOORUL ISLAM MAHALLU & EDUCATION SOCIETY,
REP. BY ITS SECRETARY, MUHAMMAD, AGED 40 YEARS,
S/O. KUNHABDULLA, ARUR P.O, KOZHIKODE 673 507.
2. ANDRU HAJI, PRESIDENT, NOORUL ISLAM MAHALLU &
EDUCATION SOCIETY, SO.MOOSA HAJI, AGED 76 YEARS,
ARUR P.O., KOZHIKODE 673 507.

BY ADV. SRI.FRANCO T.J.

RESPONDENTS:

1. KOZHIKODE MUNICIPAL CORPORATION,
REPRESENTED BY ITS SECRETARY,
BEACH ROAD, KOZHIKODE 673 032
2. THE 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 COPY OF TAX RECEIPT DATED 19-08-2015 ISSUED BY THE VILLAGE OFFICER, KASABA
- EXHIBIT P2 TRUE COPY OF THE POSSESSION CERTIFICATE DATED 05-10-2015 ISSUED BY THE VILLAGE OFFICER,KASABA
- EXHIBIT P3 TRUE PHOTOCOPY OF THE JENMOM SALE DEED EXECUTED ON 24-07-2015
- EXHIBIT P4 TRUE COPY OF THE ORDER DATED 30-11-2015 ISSUED BY THE ASSISTANT ENGINEER
- EXHIBIT P5 TRUE COPY OF THE JUDGMENT DATED 02-11-2015 IN WPC 31684/2015

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

W.P.(C). NO. 37025 OF 2015

Dated this the 14th day of December, 2015

JUDGMENT

Ext. P4 order declining building permit to the petitioners is obviously not preceded by a local inspection. I quash Ext.P4 order and direct the second respondent to reconsider the application for building permit within a period of two months.

2. I hasten to add that the mere fact that the property falls within an area reserved for residential zone 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