

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. 37042 of 2015 (E)

PETITIONERS:

1. M. MUHAMMED, AGED 40 YEARS,
S/O. KUNHABDULLA, MANIKOTH HOUSE,
ARUR P.O., KOZHIKODE-673 507.
2. M.C. SUBEER, AGED 33 YEARS,
S/O. IBRAHI HAJI, CHATHOITH HOUSE,
ARUR P.O., KOZHIKODE-673 507.

BY ADV. SRI. FRANCO T.J.

RESPONDENTS:

1. KOZHIKODE MUNICIPAL CORPORATION,
REPRESENTED BY ITS SECRETARY,
BEACH ROAD, KOZHIKODE-673 003.
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 BEEN FINALLY HEARD ON 14-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : COPY OF TAX RECEIPT DTD.19.8.2015 ISSUED BY THE VILLAGE OFFICER, KASABA.
- EXHIBIT P2 : COPY OF THE POSSESSION CERTIFICATE DTD.5.10.2015 ISSUED BY THE VILLAGE OFFICER, KASABA.
- EXHIBIT P3 : COPY OF THE ORDER DTD.30.11.2015 ISSUED BY THE ASSISTANT ENGINEER.
- EXHIBIT P4 : COPY OF THE JUDGMENT DTD.2.11.2015 IN WPC NO.31684/2015 BEFORE THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

W.P.(C). NO. 37042 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 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