

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 38285 of 2015 (I)

PETITIONER:

M/S. VYAPARAVIJAYAM CHITTIES PRIVATE LTD.,
ADAM BAZAR, THRISSUR PIN 680 001
REPRESENTED BY ITS CHAIRMAN P.K. DEVASSY

BY ADVS.SRI.N.SUKUMARAN (SR.)
SRI.S.SHYAM
SRI.N.K.KARNIS
SRI.KIRAN PETER KURIAKOSE

RESPONDENTS:

1. THRISSUR CORPORATION
REPRESENTED BY ITS SECRETARY,
M.G. ROAD, THRISSUR - 680 001.
2. SECRETARY,
THRISSUR CORPORATION,
THRISSUR 680 001.
3. THE CORPORATION ENGINEER,
THRISSUR CORPORATION,
THRISSUR 680 001.
4. TOWN PLANNING OFFICER,
THRISSUR CORPORATION,
THRISSUR - 680 001.

R1-R4 BY ADV. SRI.K.P.VIJAYAN
R1-R4 BY ADV. SRI.V.N.HARIDAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE CERTIFICATE ISSUED BY THE REGISTRAR OF COMPANIES DATED 05.12.2012.
- EXHIBIT P2 : TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER DT. 21.07.2015.
- EXHIBIT P3 : TRUE COPY OF THE FORWARDING LETTER ISSUED ALONG WITH EXT.P2.
- EXHIBIT P4 : TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER DATED 26.03.1998.
- EXHIBIT P5 : TRUE COPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT DATED 16.06.2015.
- EXHIBIT P6 : TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER TO EXT.P2 DATED 28.07.2015.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.S. TO JUDGE.

ncd

V.CHITAMBARESH, J.

W.P (C) No.38285 of 2015

Dated this the 17th day of December, 2015

J U D G M E N T

The petitioner has filed Ext.P6 objection to Ext.P2 provisional order passed in terms of Section 406 (1) of the Kerala Municipality Act. The petitioner questions the very jurisdiction of respondents 3 and 4 to issue a provisional order of the nature.

2. I make it clear that even the question of jurisdiction can be gone into while considering Ext.P6 objection to Ext.P2 provisional order. The report relied on by respondents 3 and 4 in Ext.P2 provisional order shall be furnished to the petitioner prior to the hearing.

3. I direct the second respondent to take the proceedings to a logical end after hearing the parties. The needful shall be done within a period of two months from the date of receipt of a copy of this judgment. Coercive steps if any for demolition of any part of the structure shall be put on hold till orders are passed as directed above.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj/18.12.15