IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 15TH DAY OF DECEMBER 2020 / 24TH AGRAHAYANA, 1942

WP(C).No.26000 OF 2020(Y)

PETITIONERS:

1 SUNNY JACOB, AGED 54 YEARS, S/O. MATHEW CHACKO, KALATHIL HOUSE, MOUNT VARDHA, MUTTAMBALAM P.O., KOTTAYAM-686 004.

2 MAGI SUNNY, AGED 44 YEARS, W/O.SUNNY JACOB, KALATHIL HOUSE, MOUNT VARDHA, MUTTAMBALAM P.O., KOTTAYAM-686 004.

BY ADVS.
SRI.RAFEEK. V.K.
SMT.P.PARVATHY
SMT.SURYA P SHAJI
SHRI.MANAS P HAMEED
SMT.AATHIRA SUNNY
SHRI.ELDHO.N.MONCY

RESPONDENTS:

1 DISTRICT TOWN PLANNER, DISTRICT TOWN PLANNING OFFICE, ST.ANTONY'S COMPLEX, NAGAMBADAM P.O., KOTTAYAM-686 002.

2 KOTTAYAM MUNICIPALITY, REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE, KOTTAYAM-686 001.

3 THE SECRETARY, KOTTAYAM MUNICIPALITY, MUNICIPAL OFFICE, KOTTAYAM-686 001.

R2-3 BY SHRI.SIBY CHENAPPADY, SC, KOTTAYAM MUNICIPALITY

G RANJITA GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 15th day of December 2020

The petitioners filed an application for development permit in the year 2014. Vide Ext.P7 dated 27.02.2017, Town Planner of Kottayam, communicated to the petitioners that the application cannot be considered in the light of the master plan.

2. Now, the learned Standing Counsel for the Kottayam Municipality submits that a new master plan is in force w.e.f. 14.05.2020.

3. In the light of the fact that a new master plan is in force, it is appropriate that a fresh application is filed by the petitioners. If a fresh application is filed, the same shall be considered, in accordance with the new master plan, now in force.

This writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE

JUDGE

PR

APPENDIX

PETITIONERS EXHIBITS:

EXHIBIT P1	**NIL**
EXHIBIT P1(A)	**TRUE COPY OF THANDAPER ACCOUNT DATED 15.5.2019 ISSUED BY THE VILLAGE OFFICER.**
EXHIBIT P1(B)	**TRUE COPY OF THANDAPER ACCOUNT DATED 15.5.2019 ISSUED BY THE VILLAGE OFFICER.**
EXHIBIT P1(C)	**TRUE COPY OF THANDAPER ACCOUNT DATED 15.5.2019 ISSUED BY THE VILLAGE OFFICER.**
EXHIBIT P1(D)	**TRUE COPY OF THANDAPER ACCOUNT DATED 15.5.2019 ISSUED BY THE VILLAGE OFFICER.**
EXHIBIT P1(E)	**TRUE COPY OF THANDAPER ACCOUNT DATED 15.5.2019 ISSUED BY THE VILLAGE OFFICER.**
EXHIBIT P1(F)	**TRUE COPY OF THANDAPER ACCOUNT DATED 15.5.2019 ISSUED BY THE VILLAGE OFFICER.**
EXHIBIT P2	**TRUE COPY OF POSSESSION CERTIFICATE DATED 14.10.2020 ISSUED BY THE VILLAGE OFFICER.**
EXHIBIT P3	**TRUE COPY OF JUDGMENT DATED 15.10.2014 IN W.P.(C) NO.19787/2014 PASSED BY THIS HONOURABLE COURT.**
EXHIBIT P4	**TRUE COPY OF JUDGMENT DATED 2.12.2014 IN W.P.(C)NO.20277/2014 PASSED BY THIS HONOURABLE COURT.**
EXHIBIT P5	**TRUE COPY OF ORDER DATED 31.3.2015 ISSUED BY THE REVENUE DIVISIONAL OFFICER KOTTAYAM.**

EXHIBIT P6	**TRUE COPY OF LAYOUT APPROVAL CERTIFICATE DATED 17.4.2015 ISSUED BY THE KOTTAYAM MUNICIPALITY.**
EXHIBIT P7	**TRUE COPY OF LETTER DATED 27.2.2017 ISSUED BY THE DISTRICT TOWN PLANNER TO THE SECRETARY, KOTTAYAM MUNICIPALITY.**
EXHIBIT P8	**TRUE COPY OF COMMUNICATION DATED 23.2.2017 SENT BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT, RECEIVED UNDER RTI ACT.**
EXHIBIT P9	**TRUE COPY OF MASTER PLAN OF KOTTAYAM DISTRICT ISSUED BY THE DEPARTMENT OF TOWN AND COUNTRY PLANNING.**
EXHIBIT P10	**TRUE COPY OF SURVEY MAP OF THE PLOT.**