IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 30th DAY OF JULY 2024 / 8TH SRAVANA, 1946

WP(C) NO. 1615 OF 2023

PETITIONERS:

1	RAJESH RAJENDRAN AGED 47 YEARS S/O. LATE M.P. RAJENDRAN, "GIFT HOUSE", MARKET ROAD VATAKARA, KOZHIKODE DISTRICT, PIN - 673101
2	GEETHA RAJENDRAN, AGED 70 YEARS W/O. LATE M.P. RAJENDRAN, "GIFT HOUSE", MARKET ROAD VATAKARA, KOZHIKODE DISTRICT, PIN - 673101

BY ADVS.
K.SHIBILI NAHA
A.LOWSY
NIVEA K.G.

RESPONDENTS:

1	STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
2	VATAKARA MUNICIPALITY, REPRESENTED BY ITS SECRETARY, VATAKARA, KOZHIKODE, PIN - 673101
3	THE SECRETARY, VATAKARA MUNICIPALITY, VATAKARA, KOZHIKODE DISTRICT, PIN - 673101
4	RAGAVAN, AGED 81 YEARS S/O. CHAATHU, MANGALYA TEXTILES, SHOP NO. 30/1084 VATAKARA, KOZHIKODE DISTRICT, PIN - 673101

BY ADVS.
SHRI.T.NAVEEN, SC, VADAKARA MUNICIPALITY
SRINATH GIRISH
P.JERIL BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

MOHAMMED NIAS C.P., J.

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WP(C) No. 1615 of 2023

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Dated this the 30th day of July, 2024

JUDGMENT

The writ petition is filed for a prayer to consider Ext.P3 representation submitted alleging unauthorised construction by the fourth respondent.

2. The Municipality has filed a statement wherein it is stated that based on the representation filed, it had issued a provisional order dated 20.06.2023 under Section 406 (1) and (2) directing the 4th respondent to demolish the unauthorised construction. Later, an order was also passed on 16.10.2023 under Section 406 (3) of the Kerala Municipality Act, confirming the provisional order. These orders are under challenge before the Tribunal for the Local Self Government Institution in Appeal No.612/2023 filed by the 4th respondent, wherein the operation of the said orders are stayed by order dated 11.12.2023 in I.A No.1703/2023. This is recorded.

Needless to say, the Municipality will take further action based on the orders to be passed by the Tribunal. Nothing further remains to be considered in this Writ Petition, and the same is accordingly closed.

Sd/-
MOHAMMED NIAS C.P.
JUDGE

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APPENDIX OF WP(C) 1615/2023

PETITIONERS EXHIBITS

EXHIBIT P1 (A)	**TRUE COPY OF THE RECEIPT EVIDENCING PAYMENT OF BUILDING TAX ISSUED BY THE 3RD RESPONDENT DATED 29.11.2022**
EXHIBIT P1 (B)	**TRUE COPY OF THE RECEIPT EVIDENCING PAYMENT OF BUILDING TAX ISSUED BY THE 3RD RESPONDENT DATED 29.11.2022**
EXHIBIT P1 (C)	**TRUE COPY OF THE RECEIPT EVIDENCING PAYMENT OF BUILDING TAX ISSUED BY THE 3RD RESPONDENT DATED 29.11.2022**
EXHIBIT P1 (D)	**TRUE COPY OF THE RECEIPT EVIDENCING PAYMENT OF BUILDING TAX ISSUED BY THE 3RD RESPONDENT DATED 29.11.2022**
EXHIBIT P1 (E)	**TRUE COPY OF THE RECEIPT EVIDENCING PAYMENT OF BUILDING TAX ISSUED BY THE 3RD RESPONDENT DATED 29.11.2022**
EXHIBIT P2	**A TRUE COPY OF THE PHOTOGRAPHS DEPICTING THE LIE AND NATURE OF THE BUILDING**
EXHIBIT P3	**TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER BEFORE THE 3RD RESPONDENT DATED 21.12.2022**
EXHIBIT P4	**TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER BEFORE THE HEALTH DEPARTMENT DATED 04.01.2023**

RESPONDENTS EXHIBITS

EXT.R2(a)	**TRUE COPY OF THE PROVISIONAL ORDER NO.TP-BA 27429/22 DATED 20-6-2023 ISSUED BY THE 2ND RESPONDENT MUNICIPALITY .**
EXT.R2(b)	**TRUE COPY OF THE CONFIRMATION ORDER NO.TPI-27429/22 DATED 16-10-2023 ISSUED BY THE 2ND RESPONDENT MUNCIPALITY.**
EXT.R2(c)	**TRUE COPY OF THE ORDER OF THE L.S.G. TRIBUNAL DATED 11-12-2023 IN I.A. NO. 1703/2023 IN APPEAL NO. 612/2023.**