IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE MR. A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

TUESDAY, THE 23RD DAY OF JULY 2024 / 1ST SRAVANA, 1946

WA NO. 1316 OF 2019

AGAINST THE JUDGMENT IN WP(C) NO.20390 OF 2016 OF HIGH COURT OF KERALA

APPELLANT/S:

CHIEF TOWN PLANNER
TOWN AND COUNTRY PLANNING DEPARTMENT,
NANTHANKODE, THIRUVANANTHAPURAM-695001.
BY ADV K. P. HAIRSH, SR. G.P.

RESPONDENT/S:

1. **K.MOHANDAS,**
   AGED 41 YEARS, S/O.KALATHIL KUMARAN, KALATHIL HOUSE, 7/217, KUNNAMKULAM, THRISSUR DISTRICT, PIN-680503.
2. **THE SECRETARY,**
   KUNNAMKULAM MUNICIPALITY, KUNNAMKULAM, THRISSUR DISTRICT-680503.
3. **KUNNAMKULAM MUNICIPALITY,**
   KUNNAMKULAM, THRISSUR DISTRICT-680503,
   REPRESENTED BY ITS SECRETARY.

BY ADVS.
SRI.G.HARIHARAN
SRI.PRAVEEN.H.
SMT.K.S.SMITHA
SMT.T.T.SHANIBA
SRI.M.V.VIPINDAS
SHRI.AMAL DEV D

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 23.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

Dated this the 23rd day of July, 2024

A. Muhamed Mustaque, Acg. C. J.

The State has come up with this appeal challenging the judgment of the learned Single Judge. An application for a building permit for the construction of a commercial building has been rejected by the Municipality noting that the area in question is a residential zone. The learned Single Judge, noting the existence of a large number of commercial buildings in the area and by the passage of time the area itself has been identified as a commercial area, ordered consideration of the building permit for the purpose of construction of commercial building. Aggrieved by the said direction, the State has come up with this appeal.

2. It is fairly admitted that commercial buildings have come up pursuant to the issuance of building permits. In such

circumstances, we do not find any scope for interference.

Accordingly, the writ appeal is dismissed.

Sd/-
A. MUHAMED MUSTAQUE
ACTING CHIEF JUSTICE

Sd/-
S. MANU
JUDGE

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