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 6TH DAY OF AUGUST 2024 / 15TH SRAVANA, 1946

WA NO. 1779 OF 2015

AGAINST THE JUDGMENT DATED 03.09.2014 IN WPC NO.15368 OF 2014 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 1 & 4:

1 **STATE OF KERALA, REP. BY THE SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,SECRETARIAT, THIRUVANANTHAPURAM -695 001.**

2 **DISTRICT TOWN PLANNER, MALAPPURAM - 676 121.**

BY ADV GOVERNMENT PLEADER
V TEK CHAND SR GP

RESPONDENTS/PETITIONER & RESPONDENTS 2 & 3:

1 **A.P.HANEEFA, S/O.A.P.MOIDEEN, AMBAZHAPALLY HOUSE, BEERANCHERA JUNCTION CODACAL (P.O), TIRUR, MALAPPURAM DISTRICT.**

2 **TIRUR MUNICIPALITY, REP. BY ITS SECRETARY, MUNICIPAL OFFICE, TIRUR, PIN-676 101**

3 **SECRETARY TIRUR MUNICIPALITY, MUNICIPAL OFFICE, TIRUR, PIN - 676 101.**

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 06.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

A. Muhamed Mustaque, Acg.C.J.

This appeal was preferred by the State in the year 2019. Though notice has been served on the first respondent, none appeared.

2. The learned Single Judge, in a challenge against the rejection of building permit by the made first respondent, ordered that application shall be considered de hors the DTP Scheme. In the DTP Scheme, it appears that a road was proposed. This judgment was rendered as early as on 03.09.2014.

3. Taking note of the passage of time, it is appropriate to set aside the impugned judgment giving liberty to the first respondent to apply for building permit afresh in accordance with the existing scheme.

With liberty as above, the appeal stands allowed.

Sd/-

A.MUHAMED MUSTAQUE
ACTING CHIEF JUSTICE

Sd/-

S.MANU
JUDGE

PR