IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.M.MANOJ

FRIDAY, THE 28TH DAY OF MARCH 2025 / 7TH CHAITHRA, 1947

WP(C) NO. 1311 OF 2012

PETITIONER:

**THE ERNAKULAM CO-OPERATIVE HOUSE CONSTRUCTION SOCIETY LTD.
AGED 51 YEARS
NO. E 169, GIRI NAGAR, ERNAKULAM,
REPRESENTED BY THE SECRETARY.**

BY ADV G.KRISHNAKUMAR

RESPONDENTS:

1. **THE CORPORATION OF COCHIN
REPRESENTED BY THE SECRETARY, ERNAKULAM, KOCHI - 682 001.**

2. **THE ASSISTANT EXECUTIVE ENGINEER
EAST ZONAL OFFICE, CORPORATION OF COCHIN,
VYTTILA - 682 019.**

3. **THE REGIONAL TOWN PLANNER,
REGIONAL TOWN PLANNING OFFICE,
ERNAKULAM, COCHIN - 682 020.**

4. **THE CHIEF TOWN PLANNER,
DEPARTMENT OF TOWN AND COUNTRY PLANNING, KOTTARATHIL BUILDINGS, PALAYAM, THIRUVANANTHAPURAM - 695 033.**

5. **THE GREATER COCHIN DEVELOPMENT AUTHORITY,
REPRESENTED BY THE SECRETARY, G.C.D.A,
KADAVANTHRA, COCHIN - 682 020.**

6. **THE GOVERNMENT OF KERALA,
REPRESENTED BY THE SECRETARY,
LOCAL ADMINISTRATION (RB) DEPARTMENT,
THIRUVANANTHAPURAM - 695001**

***7 T.K.THANKAPPAN, HEAD OF THE DEPARTMENT OF CIVIL ENGINEERING, KRG COLLEGE OF ENGINEERING FOR WOMEN, THURAVOOR, CHERTHALA RESIDING AT PLOT NO.112, JAWAHAR NAGAR P.O.,KADAVANTHRA, COCHIN-20**

***8 C.P.KESAVADAS, PLOT NO.106, JAWAHAR NAGAR P.O.,KADAVANTHRA, COCHIN-20**

***9 M.T.JOSE, PLOT NO.114, JAWAHAR NAGAR P.O.,KADAVANTHRA, COCHIN-20**

***10 N.SEETHARAMAN, PLOT NO.110, JAWAHAR NAGAR P.O.,KADAVANTHRA, COCHIN-20**

***11 T.THOMAS, PLOT NO.116, JAWAHAR NAGAR P.O.,KADAVANTHRA, COCHIN-20**

***12 JAISON JAMES, PLOT NO.117, JAWAHAR NAGAR P.O., KADAVANTHRA, COCHIN-20.**

***13 V.M.VIJAYAGOPAL, PLOT NO.111, JAWAHAR NAGAR P.O., KADAVANTHRA, COCHIN-20.**

***14 J.CLEETUS FERNANDEZ, PLOT NO.92, JAWAHAR NAGAR P.O., KADAVANTHRA, COCHIN. [ADDL.R7 TO R14 IMPLEADED AS PER ORDER DATED 29/5/2012 IN IA 6643/12]**

BY ADVS.
SHRI.K.JANARDHANA SHENOY, SC, KOCHI MUNICIPAL CORPORATION
MINI.V.A.
GOVERNMENT PLEADER
LATHIKA MOHAN
S.RADHAKRISHNAN
S.RAJMOHAN
A.SREEKALA
K.SARITHA (PALLOM)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:27506

P.M. MANOJ, J

W.P.(C) No.1311 of 2012

Dated this the 28th day of March, 2025

JUDGMENT

The writ petition is preferred being aggrieved by the refusal to issue building permit to the petitioner by the Corporation of Cochin.

2. It is submitted by the learned counsel for the petitioner that the refusal to accept the application for building permit is due to the restrictions in master plan that the area in which the building permit sought marked as sector centre. However, it is submitted by the learned counsel for the petitioner that, a new master plan has came into effect. As per the new master plan, which is produced as Ext.P21, this area is marked as a mixed zone.

3. Under such circumstances, the issue involved in this case cannot be decided in this writ petition in the changed circumstances. For that purpose, the petitioner will have to approach the Corporation for the issuance of building permit as per the present master plan. For the purpose of reconsidering the

building permit, Ext.P10, whereby the application for building permit was rejected, is set aside. The 1st respondent shall reconsider the application for building permit in the light of Ext.P21. Prior to issuing the building permit, the Corporation shall hear all the necessary parties who are aggrieved by the issuance of such building permit. The entire exercise shall be completed within a period of three months from the date of receipt of a certified copy of this judgment.

The writ petition is disposed of as above.

Sd/-
P.M.MANOJ
JUDGE

sss

APPENDIX OF WP(C) 1311 of 2012

PETITIONER EXHIBITS

EXHIBIT P1	**TRUE COPY OF THE LETTER DTD.4/5/1981 FROM THE CHIEF TOWN PLANNER TO THE PETITIONER SOCIETY.**
EXHIBIT P2	**TRUE COPY OF THE REVISED LAY OUT FOR THE HOUSING SCHEME SPONSORED BY THE PETITIONER SOCIETY AND APPROVED BY THE CHIEF TOWN PLANNER.**
EXHIBIT P3	**TRUE COPY OF THE G.O.DATED 20/2/1999**
EXHIBIT P4	**TRUE COPY OF THE LETTER DATED 12.7.1999 ENCLOSING EXT.P2 REVISED LAY OUT FOR ELAMKULAM EAST HOUSING SCHEME SPONSORED BY THE PETITIONER SOCIETY.**
EXHIBIT P5	**TRUE COPY OF THE LETTER DATED 29-3-2006 BY THE CORPORATION.**
EXHIBIT P6	**TRUE COPY OF THE LETTER DATED 29-11-2008 BY THE 1ST RESPONDENT.**
EXHIBIT P7	**TRUE COPY OF THE CERTIFICATE DATED 2.11.2009 ISSUED BY THE FIRE AND RESCUE SERVICES.**
EXHIBIT P8	**TRUE COPY OF THE MEMO DATED 14-2-2010 BY THE 1ST RESPONDENT.**
EXHIBIT P9	**TRUE COPY OF THE JUDGMENT DATED 27/1/2011 IN W.P.(C) NO.37860/2010 PASSED BY THIS HON'BLE COURT.**
EXHIBIT P10	**TRUE COPY OF THE LETTER DATED 2/6/2011 BY THE 1ST RESPONDENT TO THE PETITIONER.**
EXHIBIT P11	**TRUE COPY OF THE REDUCED SIZED PHOTOCOPY OF ELAMKULAM EAST DETAILED TOWN PLANNING SCHEME.**
EXHIBIT P12(A)	**TRUE COPY OF THE PHOTOGRAPH OF VARIOUS COMMERCIAL AND RESIDENTIAL BUILDING AROUND PETITIONER'S LAND.**
EXHIBIT P12(B)	**TRUE COPY OF THE PHOTOGRAPH OF VARIOUS COMMERCIAL AND RESIDENTIAL BUILDING AROUND PETITIONER'S LAND.**

EXHIBIT P12(C)	**TRUE COPY OF THE PHOTOGRAPH OF VARIOUS COMMERCIAL AND RESIDENTIAL BUILDING AROUND PETITIONER'S LAND.**
EXHIBIT P12(D)	**TRUE COPY OF THE PHOTOGRAPH OF VARIOUS COMMERCIAL AND RESIDENTIAL BUILDING AROUND PETITIONER'S LAND.**
EXHIBIT P12(E)	**TRUE COPY OF THE PHOTOGRAPH OF VARIOUS COMMERCIAL AND RESIDENTIAL BUILDING AROUND PETITIONER'S LAND.**
EXHIBIT P13	**TRUE COPY OF THE LETTER DATED 18/12/1996 SENT BY THE JAWAHAR NAGAR ASSOCIATION TO THE SOCIETY.**
EXHIBIT P14	**TRUE COPY OF THE RELEVANT PORTION OF THE ANNUAL REPORT.**
EXHIBIT P15	**TRUE COPY OF THE NOTIFICATION DATED 31/5/2007.**
EXHIBIT P16	**TRUE COPY OF THE LETTER DATED 7/11/1978 ISSUED BY THE PETITIONER SOCIETY.**
EXHIBIT P17	**TRUE COPY OF THE SAMPLE COPY OF THE SALE DEED.**
EXHIBIT P18	**TRUE COPY OF THE BYELAW.**
EXHIBIT P19	**TRUE COPY OF THE GAZETTE NOTIFICATION DATED 25.04.2023 BEARING NO.17 VOLUME 12 CONTAINING FORUM IV ISSUED BY THE 1ST RESPONDENT CORPORATION.**
EXHIBIT P20	**TRUE COPY OF THE RELEVANT PAGES OF THE PROPOSED LAND USE MAP-2040(MP/02/1) APPLICABLE TO ELAMKULAM DIVISION ATTACHED TO EXHIBIT P19 GAZETTE NOTIFICATION.**
EXHIBIT P21	**TRUE COPY OF THE RELEVANT PAGES OF THE MASTER PLAN FOR KOCHI MUNICIPAL COPORATION.**