

(2010) 02 KL CK 0040
In the High Court Of Kerala
Case No : WP (C) . No. 23609 of 2009 (U)

B. Gopalakrishna Pillai

APPELLANT

Vs

Kollam Corporation

RESPONDENT

Date of Decision : 17-02-2010

Acts Referred:

Kerala Municipality Building Rules, 1999 — Rule 104

Citation : (2010) 02 KL CK 0040

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : V.E. Abdul Gafoor, for the Appellant; Bimal K. Nath, for the Respondent

Judgement

Antony Dominic, J.—Heard the petitioner, Standing Counsel for the Municipality and the additional 2nd respondent.

2. The grievance of the petitioner is against Ext.P3, a notice issued by the Municipality requiring the petitioner to remove septic tank, as it was against the provisions contained in Rule 104 of the Kerala Municipality Building Rules. The contention raised by the petitioner is that Rule 104 came into force only with effect from 22.2.2010 whereas the building in question was completed and was occupied as early as in 1996. It is stated that since the Rule is prospective in nature, the said Rule can have no relevance, in so far as the building and septic tank constructed in 1996 are concerned. If the petitioner has this objection against Ext.P3, the proper course to be adopted is to file an objection to Ext.P3 before the Municipality itself and it is for the Municipality to decide the matter.

Therefore, I dispose of this writ petition leaving it open to the petitioner to file his reply to Ext.P3 before the first respondent. It is directed that if any reply is filed within two weeks from today, the first respondent shall decide the matter with notice to the petitioner and the 2nd respondent and take final decision in the matter.