
(2022) 12 KL CK 0167

In the High Court Of Kerala

Case No : Writ Petition (C) No. 31175 Of 2014

K.C.Padmakumari

APPELLANT

Vs

Thripunithura Municipality

RESPONDENT

Date of Decision : 16-12-2022

Acts Referred:

Citation : (2022) 12 KL CK 0167

Hon'ble Judges : Mohammed Nias C.P, J

Bench : Single Bench

Advocate : K.N.Chandrababu, Manuvilasan

Final Decision : Allowed

Judgement

Mohammed Nias C.P., J

1. The petitioner, stated to be the owner of the property in Survey No. 672 of Thekkumbhagam Village as per Exts. P1 and P2 sale deeds had also purchased the property belonging to the 3rd respondent and her husband by Ext. P3 sale deed.

2. Petitioner challenges Ext. P4 notice issued by the Municipality directing her to remove the alleged unauthorisedly constructed concrete boundary wall. Ext. P4 is challenged on the ground that the Municipality has no jurisdiction to direct so, much less without conducting any enquiry in that regard. Petitioner further states that if at all there is a dispute with the third respondent it is in the nature of a civil dispute and the Municipality cannot interfere in such matters.

3. No counter has been filed by the Municipality. It is seen that Ext. P4 is issued without conducting any enquiry or after putting the petitioner on notice. This contention of the petitioner is not seen refuted. In such circumstances, there is no other option but to quash Ext. P4. Accordingly, Ext. P4 is quashed. Needless to say, the Municipality can only take such steps permissible under the Kerala Municipality Act, 1994 and not otherwise.

Writ Petition is allowed as above.