
(2010) 07 KL CK 0118

In the High Court Of Kerala

Case No : Writ Petition (C) No. 36082 of 2009 (E)

K.J. Jose

APPELLANT

Vs

The Secretary and State of Kerala

RESPONDENT

Date of Decision : 23-07-2010

Acts Referred:

Kerala Municipality Building Rules, 1999 — Rule 33

Citation : (2010) 07 KL CK 0118

Hon'ble Judges : T.R. Ramachandran Nair, J

Bench : Single Bench

Advocate : N.N. Sugunapalan, for the Appellant; Government Pleader, for the Respondent

Judgement

T.R. Ramachandran Nair, J.—The petitioner is the owner of a plot of land at Thevara, on the western side of the Thevara road. The total extent of the property comes to 27.888 cents. The petitioner submitted an application for constructing a multi-storied building in the said plot as per Exhibit P1.

2. The respondent-Corporation, by Exhibit P3, informed the petitioner that the plan submitted by him is not in conformity with Rule 33 of the Kerala Municipality Building Rules, 1999. Aggrieved by it, this writ petition is filed challenging the above Rules and the petitioner is seeking for a declaration that Rule 33 of the Kerala Municipality Building Rules, 1999 is ultra vires of the Kerala Municipalities Act, 1994. A further relief is also sought to quash Exhibit P3 communication issued by the Corporation.

3. Learned Senior Counsel for the petitioner submitted that the Rules have been amended as per the Kerala Municipality Building (Amendment) Rules 2010, which was notified as per G.O.(Ms) No. 128/2010/LSGD dated 21.06.2010. The relevant Rule 33 has also been amended as per the amended Rules. Therefore, it is prayed that the 1st respondent may be directed to consider the application in the light of the amended Rules.

In that view of the matter, Exhibit P3 is quashed. There will be a direction to the 1st respondent to consider the application Exhibit P1 in the light of the Kerala Municipality Building (Amendment) Rules 2010 and appropriate decision will be communicated to the petitioner within a period of six weeks from the date of receipt of a copy of this judgment.

This writ petition is disposed of as above.