

(2021) 06 KL CK 0172

In the High Court Of Kerala

Case No : Writ Petition (C) No.12129 Of 2021

P.K.Subhash Chandra Bose

APPELLANT

Vs

Sulthan Bathery Municipality, Rep. By Its Secretary, Sulthan
Batheryt, Wayanad

RESPONDENT

Date of Decision : 11-06-2021

Acts Referred:

Citation : (2021) 06 KL CK 0172

Hon'ble Judges : C. S. Dias, J

Bench : Single Bench

Advocate : M.P.Ashok Kumar, Bindu Sreedhar, Asif N, Jayakumar Namboodiri.V

Final Decision : Disposed Of

Judgement

C.S.Dias, J

1. The writ petition is filed, inter alia, to quash Ext.P6 order.

2. The petitioners have averred in the writ petition that they jointly own a building numbered as SBP 915 to 922 in Sy. No.243 of Kuppadi Village, Sulthan Bathery Taluk. The 3rd respondent had served Ext.P1 notice on the petitioners to demolish the building. As the petitioners were not served with any notice, they had approached this Court and filed W.P (C) No.17676/2018. This Court by Ext.P2 judgment directed the above notice to be treated as a show cause notice and the petitioners be given an opportunity of being heard before a final decision is taken. Thereafter, the petitioners had filed Ext.P3 objections and were heard in the matter. In fact, the 2nd respondent assured that the matter would be considered in a positive manner. The petitioners have also submitted Ext.P5 site plan, but no orders have been passed on the same. Surprisingly, Ext.P6 order has been passed

directing the petitioners to demolish the building within 48 hours. The 1st respondent has acted in a mala fide manner and Ext.P6 is in violation of

Ext.P2 judgment. Hence the writ petition.

3. Heard the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the respondents.

4. On a consideration of the pleadings and materials on record particularly Ext.P6 order passed by the 2nd respondent, it is seen that the petitioners

have an alternative and efficacious statutory remedy under the Kerala Municipalities Act and the Rules framed thereunder. However, it is brought to

the notice of this Court that the Tribunal for Local Self Government Institutions is not holding regular sittings due to the pandemic. In the said

circumstances, I am of the firm view, to meet the ends of justice that the petitioners should be granted a breathing time to work out their statutory

remedies.

In the result, the writ petition is disposed of by directing the respondents not to enforce Ext.P6 order for a period of four weeks from today, in order to

enable the petitioners to work out their statutory remedies.