
(2021) 07 KL CK 0343

In the High Court Of Kerala

Case No : Writ Petition (C) No. 20743 Of 2020

S.Nandakumar

APPELLANT

Vs

Corporation Of Thiruvananthapuram

RESPONDENT

Date of Decision : 28-07-2021

Acts Referred:

Citation : (2021) 07 KL CK 0343

Hon'ble Judges : Sathish Ninan, J

Bench : Single Bench

Advocate : K.B.Pradeep, N.Nandakumara Menon, V.A.Vinod Sri.P.K.Manojkumar

Final Decision : Allowed

Judgement

Sathish Ninan, J

1. The petitioner has approached this Court aggrieved by the non-consideration of his building permit application, a copy of which is marked as Ext P4

in the writ petition, by the 1st respondent Corporation. Pendency of legal proceedings between the petitioner and the 2nd respondent-neighbour, is

stated to be the reason for non-consideration of the application.

2. Heard Sri.K.B.Pradeep, learned counsel for the petitioner, Sri.P.K.Manoj Kumar, Standing Counsel for the Corporation and Sri.V.A Vinod, learned

counsel for the 2nd respondent.

3. The 2nd respondent, who is the adjacent owner of the petitioner, has filed a suit as O.S No.262 of 2019 against the petitioner, from filling earth in

the property of the petitioner and from making constructions over the plaint 'B' schedule compound wall in between the properties of the petitioner and

the 2nd respondent. In the suit, the 2nd respondent-plaintiff, filed an interlocutory application to restrain the petitioner herein from filling earth in the

property and from making constructions on the plaint 'B' schedule wall. The application, though dismissed by the Munsiff's Court, in appeal an order

was granted restraining the petitioner herein from making any constructions over the plaint 'B' schedule wall. However, no other relief was granted.

But for the said order, no other interlocutory orders are made available before me to contend, as to why the building permit application of the petitioner

shall not be considered by the 1st respondent Corporation.

4. There being no interdictory orders from any authority or legal forum, against construction of a building in the property, there is no reason why the

petitioner's application for building permit shall not be considered on its merits and appropriate orders passed by the Corporation.

Accordingly, the writ petition is allowed. The 1st respondent shall consider the building permit application submitted by the petitioner, on its merits,

without reference to the reason stated in Ext P5. Let orders be passed within three weeks from the date of receipt of a copy of this judgment.