
(2022) 06 KL CK 0036
In the High Court Of Kerala
Case No : Writ Petition (C) No. 18111 Of 2022

Suneer I.

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 03-06-2022

Acts Referred:

Citation : (2022) 06 KL CK 0036

Hon'ble Judges : N. Nagaresh, J

Bench : Single Bench

Advocate : George Varghese, Nimesh Thomas, Manu Srinath, Sherin Edison, Syamanthak B S

Final Decision : Disposed Of

Judgement

N. Nagaresh, J

1. The petitioner, who is a resident of Kayamkulam Municipality, has filed this writ petition seeking to declare that the Municipal authorities lack the authority and jurisdiction to regularise the unauthorised construction made by the 4th respondent and hence cannot number the illegally constructed building.

2. When the writ petition came up for admission today, the learned counsel for the petitioner submitted that the 4th respondent, who has allegedly resorted to illegal construction, had filed W.P.(C) No.12478/2022 seeking to direct the Secretary to the Municipality to consider Ext.P7 representation and pass orders thereon. Ext.P7 representation in W.P.(C) No.12478/2022 filed by the petitioner therein (4th respondent herein) is one seeking to regularise the construction and number the building.

3. The learned counsel for the petitioner apprehends that in view of Ext.P8 judgment, to which the petitioner was not a party, respondents 2 and 3 are likely to take a decision in favour of the 4th respondent herein.

4. The learned Standing Counsel, after obtaining telephonic instructions,

submitted that final orders are not passed pursuant to Ext.P8 judgment.

5. I have heard the learned counsel for the petitioner, the learned Government Pleader representing the 1st respondent and the learned Standing Counsel representing respondents 2 and 3. In view of the limited relief being granted to the petitioner herein, notice to the 4th respondent is dispensed with.

6. It is evident from Ext.P4 complaint, receipt of which is acknowledged as per Ext.P5, that the petitioner had raised complaint against the building construction by the 4th respondent in violation of the Building Rules. As the petitioner's grievance is said to be subsisting, it will be only just and proper that the 3rd respondent consider the grievance of the petitioner also before taking a decision on the representation filed by the 4th respondent.

In the circumstances, the writ petition is disposed of directing the 3rd respondent to hear the petitioner and the 4th respondent also before taking a final decision on the representation (Ext.P7 in W.P.(C) No.12478/2022) submitted by the 4th respondent for regularisation and numbering of his building.