
(2014) 07 KL CK 0240
In the High Court Of Kerala
Case No : W.P. (C). No. 13150 of 2014 (P)

T.K. Sundaresan

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 03-07-2014

Acts Referred:

Citation : (2014) 07 KL CK 0240

Hon'ble Judges : A.V. Ramakrishna Pillai, J

Bench : Single Bench

Advocate : Manoj Ramaswamy and C.B. Suma Devi, Advocate for the Appellant; Shyson P. Manguzha, Government Pleader and B. Krishna Mani, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

A.V. Ramakrishna Pillai, J.—Aggrieved by the non-consideration of the petitioner's application for building permit on the ground that the property is included in the Punalur Town DTP Scheme for KSRTC Bus Stand framed in the year 1983, the petitioner has come up before this Court.

2. The petitioner purchased an extent of 11.33 ares of land in Sy.Nos.378/4 and 378/2/12 of Punalur Village within the limits of the respondent Municipality. He applied for a building permit to construct a commercial building in the said property. However, the 3rd respondent issued Ext.P5 communication stating that the property of the petitioner is included in the DTP Scheme for KSRTC; and hence, the application cannot be considered. It is with this background, the petitioner has come up before this Court.

3. Arguments have been heard.

4. The learned counsel for the petitioner invited my attention to Exts.P3 and P4 judgments of this Court, wherein this Court considered the identically placed cases and directed the concerned respondent to consider the application without reference to the DTP Scheme.

Therefore, this Court is of the definite view that it is only just and proper to direct the respondent Municipality to reconsider Ext.P1 application in the light of Exts.P3 and P4 judgments de hors Ext.P5 rejection.

Therefore, Ext.P5 is quashed.

The respondent Municipality is directed to reconsider Ext.P1 application in the light of Exts.P3 and P4 judgments after affording the petitioner an opportunity of being heard.

This exercise shall be completed by the respondent Municipality within a period of three months from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce copies of this writ petition and judgment along with copies of Exts.P3 and P4 judgments before the respondent Municipality within a period of one month.

The writ petition is disposed of as above.