

(2022) 07 KL CK 0133
In the High Court Of Kerala
Case No : Writ Petition (C) No.18990 Of 2021

Yasoda Vittil

APPELLANT

Vs

Kothamangalam Municipality, Kothamangalam Ernakulam
District, 686 691, Represented By Its Secretary

RESPONDENT

Date of Decision : 14-07-2022

Acts Referred:

Citation : (2022) 07 KL CK 0133

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

Advocate : C.Dilip, Anushka Vijayakumar, R.Pradeep, Joice George

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J

1. The above writ petition is filed with following prayers :

"a) Call for the entire records of the case leading up to Ext P7 & P8 and quash the same issuing a writ of certiorari or any other writ order or direction.

b) Issue a writ in the nature of mandamus or any other writ, order or direction commanding Respondent No.2 to regularise the additional constructions carried out by the petitioner in the property under Ext P1, within a time as may be specified by this Hon'ble Court.

c) Issue such other appropriate writ, order or direction which this Hon'ble Court may deem fit to issue and the petitioner may pray from time to time."[SIC]

2. The main prayer is against Exts.P7 and P8. Ext.P7 is a notice issued by the Municipality to cure certain defects in the building constructed. In Ext.P8, it is stated that since there is violation, the building is to be demolished within 15 days.

3. The grievance of the petitioner is that the explanation of the petitioner was

not considered by the Municipality before issuing Exts. P7 and P8. According to the petitioner, there is no violation at all. If that is the case, Exts.P7 and P8 can be treated as a show cause notice and the petitioner can submit her explanation to Exts.P7 and P8 within a time frame, so that the Municipality can take a final decision after giving an opportunity of hearing to the petitioner.

Therefore, this writ petition is disposed of with the following directions :

- 1) The petitioner is free to submit her explanation to Exts.P7 and P8 within three weeks from the date of receipt of a copy of this judgment.
- 2) Once such an explanation is received, the 2nd respondent will consider the same and pass appropriate orders in it, after giving an opportunity of hearing to the petitioner as expeditiously as possible, at any rate, within three months from the date of receipt of the representation.
- 3) Till final orders are passed, all further proceedings consequent to Exts.P7 and P8 are deferred.