

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 30TH DAY OF APRIL, 2020 /10TH VAISAKHA, 1942

W.P. (C) .No.3229 OF 2020

PETITIONER

NIGIL G. AGED 50 YEARS S/O. LATE. GOPALAKRISHNAN,
SARASWATHY VILASAM. MANJUMEL P.O, ELOOR VILLAGE
PARUR TALUK IN ERNAKULAM DISTRICT PIN 683 501.

BY ADV.SRI JOHN JOSEPH (ROY) ,
ADV.SRI JEFRI MANUEL

RESPONDENTS :-

1. THE ELOOR MUNICIPALITY REPRESENTED BY THE SECRETARY,
ELOOR MUNICIPAL OFFICE, ELOOR UDYOGAMANDAL PO.
ERNAKULAM PIN-683 501
2. THE SECRETARY , ELOOR MUNICIPALITY, OFFICE OF THE
ELOOR MUNICIPALITY
ELOOR, UDYOGMANDAL P.O, ERNAKULAM, PIN- 683 501
3. TOWER VISION INDIA PRIVATE LIMITED,
32/1663, B-2 2ND FLOOR, BCG ESTATE, N.H.BYPASS ROAD,
PALARIVATTOM P.O., KOCHI- 682 025.
4. THE SENIOR TOWN PLANNER,
REGIONAL TOWN PLANNING OFFICE,
CIVIL STATION,
KAKKANADU - 682 030

R3 BY SRI.ARJUN RAGHAVAN

THIS WRIT PETITION HAVING COME UP FOR ORDERS ON 30/04/2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:-

BECHU KURIAN THOMAS, J.

W.P.(C) No.3229 of 2020

Dated this the 30th day of April, 2020

ORDER

This Writ Petition was brought up at the instance of the respondent for the purpose of variation of the interim order already made.

Post this matter for consideration on 21.05.2020.

**BECHU KURIAN THOMAS
JUDGE**

APPENDIX

PETITIONER'S EXTS:

- EXHIBIT P-1: TRUE COPY OF THE BUILDING PERMIT ISSUED TO THE RESPONDENT DATED 18-11-2015.
- EXHIBIT P-2: TRUE COPY OF THE PHOTO OF THE PRESENT CONDITION OF THE DISPUTED TELECOMMUNICATION POLE.
- EXHIBIT P-3: TRUE COPY OF THE STOP MEMO ISSUED BY THE 1ST RESPONDENT DATED 09-12-2015 TO THE 3RD RESPONDENT
- EXHIBIT P-4: TRUE COPY OF THE MINUTES OF THE 1ST RESPONDENT COUNCIL DATED 30-12-2015.
- EXHIBIT P-5: TRUE COPY OF THE SHOW CAUSE NOTICE DATED 25-09-2013 ISSUED TO THE 3RD RESPONDENT
- EXHIBIT P-6: TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 05-12-2016 TO THE 3RD RESPONDENT.
- EXHIBIT P-7: TRUE COPY OF THE JUDGMENT DATED 09-02-2018 IN W.P. (C) NO. 39667 OF 2016 OF THIS HON'BLE COURT.
- EXHIBIT P-8: TRUE COPY OF THE ORDER DATED 26-03-2018 ISSUED BY THE 1ST RESPONDENT, CANCELLING THE BUILDING PERMIT.
- EXHIBIT P-9 TRUE COPY OF THE STRUCTURAL PLAN OF ELOOR MUNICIPAL AREA ISSUED FROM THE 4TH RESPONDENT.
- EXHIBIT P-10: TRUE COPY OF THE LETTER DATED 16-06-2016 ISSUED BY THE 1S RESPONDENT TO K.B.AJAYKUMAR
- EXHIBIT P-11 TRUE COPY OF THE JUDGMENT DATED 28.10.19 IN W.P. (C)NO. 28905 OF 2018 OF THIS HON'BLE COURT
- EXHIBIT P-12: TRUE COPY OF THE LETTER DATED 02-12-2019 ISSUED BY THE SENIOR TOWN PLANER TO THE 1ST

RESPONDENT .

EXHIBIT P13: TRUE COPY OF OCCUPANCY CERTIFICATE DATED 20.1.20
ISSUED BY THE 1ST RESPONDENT .

EXHIBIT P14: TRUE COPY OF OFFICE NOTE ISSUED BY THE 2ND
RESPONDENT IN THE PROCEEDINGS