

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

WEDNESDAY, THE 13TH DAY OF MAY, 2020/23RD VAISAKHA, 1942

W.P(C) NO.9838 OF 2020

PETITIONER:

TRUEMAN K.C., S/O.CHAKKUNNI,
AGED 67 YEARS, KINATTINGAL HOUSE,
NILAMBUR, MALAPPURAM DISTRICT.

BY ADV.SRI. BABU S. NAIR

RESPONDENTS:

1. NILAMBUR MUNICIPALITY,
REPRESENTED BY
ITS SECRETARY, NILAMBUR,
MALAPPURAM DISTRICT, PIN - 679 329

2. THE SECRETARY,
NILAMBUR MUNICIPALITY,
NILAMBUR, MALAPPURAM DISTRICT, PIN - 679 329

R1-2 BY

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 13.05.2020,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Dated this the 13th day of May, 2020

JUDGMENT

This Writ Petition is filed praying *inter alia* for a direction to the 2nd respondent to consider and pass orders on Ext.P4 representation submitted by the petitioner for issuance of occupancy certificate and number to the building constructed by the petitioner pursuant to Ext.P1 building permit dated 18.11.2010. It appears that there is a civil case pending between the petitioner and the Government of Kerala (PWD Department) regarding alleged encroachment into public road. That suit stated to be pending before the Munsiff's Court, Manjeri as O.S.No.361 of 2015. It is further stated that the Munsiff's Court granted an order of temporary injunction in

the matter. The petitioner's grievance is that though the construction of the building was undertaken in terms of a permit validly issued by the Municipality which has not been questioned by anyone, the Municipality is refusing to issue of occupancy certificate citing the objection of the PWD. In the aforesaid circumstances, I deem it appropriate to direct the 2nd respondent to consider and pass orders on Ext.P4 after hearing the petitioner and the appropriate officer of the Public Works Department within a period of one month from the date of receipt of a copy of this judgment.

This Writ Petition stands disposed as above.

GOPINATH.P, JUDGE

pm

APPENDIX

PETITIONERS EXTS.

EXHIBIT P1:- COPY OF THE BUILDING PERMIT ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DATED, 18-11-2010.

EXHIBIT P2:- COPY OF THE PLAINT IN O.S.NO.361/2015 OF THE MUNSIFF COURT, MANJERI DATED, 1-9-2015.

EXHIBIT P3:- COPY OF THE COMMISSION REPORT AND SKETCH SUBMITTED BY THE ADVOCATE COMMISSIONER IN O.S.NO.361/2015 BEFORE THE MUNSIFF COURT, MANJERI.

EXHIBIT P4:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED, 19-3-2020.

EXHIBIT P5:- COPY OF THE ACKNOWLEDGMENT ISSUED BY THE 2ND RESPONDENT DATED, 19-3-2020 SHOWING THE RECEIPT OF EXHIBIT P4.

RESPONDENTS EXHIBITS: NIL