

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

TUESDAY, THE 12<sup>TH</sup> DAY OF MAY,2020/22ND VAISAKHA, 1942

W.P(C) NO. 9861 OF 2020

PETITIONER:

A.K.NAZAR, AGED 55 YEARS, S/O. LATE A.M KADER PILLAI,  
30/142, ANJIKKATH HOUSE, VMB ROAD, PATHADIPPALAM,  
COCHIN - 682 033.

BY ADVS.

SRI. P.B.KRISHNAN  
SRI. P.B.SUBRAMANYAN  
SRI. SABU GEORGE.

RESPONDENTS:

1. THE KALAMASSERY MUNICIPALITY, KALAMASSERY,  
COCHIN - 695 033 REPRESENTED BY ITS SECRETARY.
2. K.H.ABDUL SALAM, S/O. HASSAN, KAVUNGAPPADATH,  
VMB ROAD, PATHADIPPALAM, CHANGAMPUZHA NAGAR,  
KALAMASSERY - 682 033.
3. K.H.MUHAMMADALI, S/O. HASSAN, RESIDING AT METHAR  
NAGAR, NEAR KALAMASSERY MUNICIPALITY,  
CHANGAMPUZHA NAGAR P.O, KALAMASSERY -682 033.
4. SHRI. K.H.ABDUL MAJEED, 24/147, RESIDING AT METHAR  
NAGAR, NEAR KALAMASSERY MUNICIPALITY,  
CHANGAMPUZHA NAGAR P.O, KALAMASSERY -682 033.
5. NASEEMA KAREEM, W/O. LATE K.H.ABDUL KAREEM,  
ILLICKAL HOUSE, PATHADIPPALAM, KALAMASSERY - 682 033.
6. SHABNA KAREEM, D/O. LATE K.H.ABDUL KAREEM,  
ILLICKAL HOUSE, PATHADIPPALAM, KALAMASSERY - 682 033.

BY GOVERNMENT PLEADER SMT.B.VINITHA

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 12.05.2020,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

The petitioner has approached this Court alleging that illegal constructions are being carried out in properties adjacent to the properties belonging to the petitioner, his brother and sister-in-law. It is alleged that there are several disputes between the petitioner and respondents 2 to 6 with regard to their properties.

2. The petitioner complains that respondents 2 to 6 are making illegal construction in the property comprised in R.Sy. No. 530/5 of Thrikkakara North Village without any permit from the Municipality. The petitioner states that he has submitted Ext.P1 representation before the Kalamassery Municipality seeking the intervention of the Municipality to prevent the illegal constructions being carried out. It is stated that though the representation was received by the Kalamassery Municipality on 16.04.2020, no action has been taken so far.

3. Sri. P.B. Krishnan, the learned Counsel appearing for the petitioner submits that he would be satisfied if a direction is issued to the first respondent Municipality to immediately take up Ext.P1 representation for consideration and take appropriate steps to prevent any illegal construction if such allegations are found to be true.

4. In the above circumstances, this writ petition is disposed of directing the Secretary of the Kalamassery Municipality to take up Ext.P1 representation for consideration and dispose of the same after hearing the petitioner and respondents 2 to 6 within a period of three weeks from the date of receipt of a copy of this judgment.

5. Considering the present circumstances, if either the petitioner or respondents 2 to 6 are unable to attend the hearing fixed by the Secretary of the Kalamassery Municipality, they be heard over telephone and their contentions noticed before orders are passed on Ext.P1. Petitioner and respondents 2 to 6 are given the liberty to

place on record any document they wish to rely on before the Secretary to the Kalamassery Municipality through email. Any such document placed on record will be taken note of by the Secretary while disposing of Ext.P1 representation. In order to ensure that no illegal activity is happening at present, the Secretary shall also cause an inspection of the property in question to be carried out as expeditiously as possible.

The writ petition is disposed of with the above directions.

**GOPINATH P.  
JUDGE**

ncd

## APPENDIX

### PETITIONER'S EXHIBITS:

EXHIBIT P1: TRUE PHOTOCOPY OF THE REPRESENTATION DATED 21-03-2020

EXHIBIT P2: TRUE PHOTOCOPY OF THE POSTAL RECEIPT DATED 23-03-2020

EXHIBIT P3: TRUE PHOTOCOPY OF THE ACKNOWLEDGMENT CARD DATED 16-04-2020

EXHIBIT P4: TRUE COPY OF THE PHOTOGRAPH OF THE CONSTRUCTION WORK, DATED 21-03-2020

EXHIBIT P5: TRUE COPY OF THE PHOTOGRAPH OF THE ILLEGAL WORKSHOP, DATED 21-03-2020

EXHIBIT P6: TRUE COPY OF THE PHOTOGRAPH OF THE CONSTRUCTION WORK, DATED 09-05-2020

EXHIBIT P-9: TRUE COPY OF THE REPRESENTATION DATED 30.4.2020 SUBMITTED BY THE PETITIONER.

EXHIBIT P-10: TRUE COPY OF THE LETTER NO. 5/6/2018-PLANT -D DATED 4.2.2020 OF THE DEPARTMENT OF COMMERCE, MINISTRY OF COMMERCE AND INDUSTRY.