

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

TUESDAY, THE 29TH DAY OF MARCH 2022 / 8TH CHAITHRA, 1944

WP(C) NO. 4046 OF 2022

PETITIONER/S:

HARIPRASAD N
AGED 35 YEARS
S/O NATARAJAN, 30/576 CHAYAKKARA STREET, VADAKKANTHARA,
PIN-678 012, PALAKKAD
BY ADVS.
B.PREMNATH (E)
SARATH M.S.

RESPONDENT/S:

- 1 THE SECRETARY
PALAKKAD MUNICIPALITY, PALAKKAD, PIN-678 001.
- 2 PALAKKAD MUNICIPALITY,
PALAKKAD, PIN-678 001, REPRESENTED BY ITS SECRETARY

BY ADV BINOY VASUDEVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This writ petition is filed seeking the following reliefs:-

(i) issue a writ of certiorari or any other appropriate order, quashing Exhibit P9 notice.

(ii) To direct the respondent to consider Exhibit P8 within a time frame as fixed by this Hon'ble Court.

And

(iii) Grant such other and further reliefs, as that are appropriate and incidental to this writ petition.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the Municipality.

3. It is submitted by the learned counsel for the petitioner that, pursuant to Ext.P9 notice issued by the Municipality, the petitioner had preferred Ext.P10 request for regularization along with Ext.P11 formal application for regularization of the constructions made by him. It is submitted that the defects noticed by the Municipality have now been rectified by preferring Ext.P11. The learned counsel for the petitioner seeks consideration of Ext.P11.

4. Learned Standing Counsel appearing for the Municipality submits that Ext.P9 was a notice under Section 406(3) dated 24.06.2021, and that

the application now submitted by the petitioner admits that there are unauthorized constructions which require regularization. It is submitted that the request for regularization will be considered in accordance with law.

5. Having considered the contentions raised by both sides, I am of the opinion that, in view of the fact that petitioner has preferred an application for regularization, the same is directed to be considered in accordance with law, before any further action is taken pursuant to Ext.P9. Accordingly, there will be a direction to the respondents to take up, consider and pass orders on Ext.P11 application submitted by the petitioner, in accordance with law, within a period of one month from the date of receipt of a copy of this judgment. Further proceedings pursuant to Ext.P9 shall be kept in abeyance till orders are passed and communicated to the petitioner and shall be subject to such orders.

The writ petition is disposed of accordingly.

Sd/ -

ANU SIVARAMAN

JUDGE

uu/29.03.2022

APPENDIX OF WP(C) 4046/2022

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE SALE DEED DATED 11.4.2016 ENTERED INTO BETWEEN R. VIJAY AND PETITIONER
Exhibit P2	TRUE COPY OF THE LICENCE DATED 3.8.2021 ISSUED BY PALAKKAD MUNICIPALITY TO THE PETITIONER
Exhibit P3	TRUE COPY OF THE RECEIPT OF THE LICENCE FEE DATED 26.7.2021 ISSUED BY THE PALAKKAD MUNICIPALITY
Exhibit P4	TRUE COPY OF THE RECEIPT OF THE PROFESSION TAX DATED 17.3.2021 ISSUED BY PALAKKAD MUNICIPALITY
Exhibit P5	TRUE COPY OF THE RECEIPT OF THE PROPERTY AND SERVICE CESS DATED 9.7.2021 ISSUED BY PALAKKAD MUNICIPALITY
Exhibit P6	TRUE COPY OF THE POSSESSION CERTIFICATE DATED 11.8.2021 ISSUED TO THE PETITIONER FROM VILLAGE OFFICE, PALAKKAD
Exhibit P7	TRUE COPY OF THE GST REGISTRATION CERTIFICATE DATED 30.1.2018 ISSUED BY GOVERNMENT OF INDIA TO THE PETITIONER HAVING REGN NO 32 A CHPH8274LIZB
Exhibit P8	TRUE COPY OF THE APPLICATION FOR BUILDING PERMIT/REGULARIZATION DATED 3.1.2018 SUBMITTED BY PETITIONER BEFORE THE PALAKKAD MUNICIPALITY
Exhibit P9	TRUE COPY OF THE NOTICE DATED 24.6.2021 ISSUED BY SECRETARY, PALAKKAD MUNICIPALITY
Exhibit P10	TRUE COPY OF THE REPLY TO EXHIBIT P9 SENT BY ME TO THE RESPONDENT MUNICIPALITY DATED 8.2.2022.
Exhibit P10 a	TRUE COPY OF THE RECEIPT DATED 8.2.2022 ISSUED BY THE RESPONDENT MUNICIPALITY WITH RESPECT TO EXHIBIT P10
Exhibit P11	TRUE COPY OF THE NEW APPLICATION FOR REGULARIZATION OF THE BUILDING ALONG WITH PLAN DATED 8.2.2022 SUBMITTED BY ME BEFORE THE RESPONDENT MUNICIPALITY
Exhibit P11 a	TRUE COPY OF THE RECEIPT DATED 9.2.2022 ISSUED BY THE RESPONDENT MUNICIPALITY WITH RESPECT TO EXHIBIT P11

Exhibit P11 b

TRUE COPY OF THE RECEIPT FOR PAYMENT OF
BUILDING PERMIT FEE DATED 11.2.2022 ISSUED
BY THE RESPONDENT MUNICIPALITY