



2025:KER:16176

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

TUESDAY, THE 25TH DAY OF FEBRUARY 2025 / 6TH PHALGUNA, 1946

WP(C) NO. 44457 OF 2024

PETITIONERS:

- 1 BALACHANDRAN K.,
AGED 86 YEARS
S/O. KRISHNAN NAIR, LAKSHMI MANDIRAM, ERAVU P.O.,
THRISSUR DISTRICT, KERALA, PIN - 680620
- 2 INDIRA DEVI C.,
AGED 75 YEARS
W/O. BALACHANDRAN K., LAKSHMI MANDIRAM, ERAVU P.O.,
THRISSUR DISTRICT, KERALA, PIN - 680620
BY ADVS.
M.R.DHANIL
SENITTA P. JOJO

RESPONDENTS:

- 1 THRISSUR CORPORATION,
REPRESENTED BY ITS SECRETARY, CORPORATION OFFICE,
THRISSUR DISTRICT, KERALA, PIN - 680001
- 2 SECRETARY,
THRISSUR CORPORATION, CORPORATION OFFICE, THRISSUR
DISTRICT, KERALA, PIN - 680001
- 3 DISTRICT TOWN PLANNER,
LOCAL SELF GOVERNMENT DEPARTMENT PLANNING BHAVAN,
AYYANTHOLE, CIVIL STATION COMPOUND, THRISSUR DISTRICT,
KERALA, PIN - 680003
- 4 CHIEF TOWN PLANNER,
OFFICE OF THE CHIEF TOWN PLANNER, THIRUVANANTHAPURAM
DISTRICT, KERALA, PIN - 695001
- 5 SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM DISTRICT, KERALA, PIN - 695001
- 6 STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM DISTRICT,
KERALA, PIN - 695001
BY ADV SANTHOSH P.PODUVAL
Smt.Ammunikutty.K, Sr.G.P

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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ZIYAD RAHMAN A.A., J.

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Dated this the 25th day of February, 2025

JUDGMENT

The 1st petitioner, who is the owner of a property comprised in Sy.No.1906/2-11 of Thrissur Village, obtained a building permit for constructing a residential apartment complex from the 2nd respondent. However, as the petitioner carried out certain additional constructions beyond the permit, proceedings were initiated against the petitioner. In such circumstances, the petitioner submitted an application for regularization of constructions.

2. The said application was forwarded to the District Town Planner by the Corporation, and 3rd respondent herein issued Ext.P11 informing the Secretary to the 2nd respondent as to certain defects in the said application. One of the said defects was that the property



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wherein the building was constructed included in the data bank prepared under the provisions of Kerala Conservation of Paddy land and Wetland Act, 2008.

3. Accordingly, the petitioner submitted an application for removing the same, and ultimately as per Ext.P13 order, the said defect was cured, and the property was categorized as Purayidam in the revenue records. Ext.P13 is the said order which was passed on 18.02.2024.

4. However, by the time, the petitioner could obtain the said order by completing the legal procedures in this regard, the new Kerala Building Rules, 2019 came into force which contemplates a different criteria. In such circumstances, the petitioner submitted Ext.P15 representation before the 2nd respondent to reconsider the application the petitioner has already submitted, which culminated in Exts.P9 and P10, by applying the statutory provisions contained in 1999 Rules. The limited prayer sought by the petitioner is to direct the 2nd respondent to



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consider Ext.P15 and pass appropriate order on the same.

After hearing the learned counsel for the petitioner, the learned Government Pleader and the learned Standing Counsel for the 1st respondent Corporation, I am inclined to dispose of this writ petition. Accordingly, it is ordered that the 2nd respondent shall take up Ext.P15 and appropriate orders thereon shall be passed in accordance with law after giving the petitioner an opportunity of being heard. A decision in this regard shall be taken within a period of one month from the date of receipt of a copy of this judgment.

Sd/-

**ZIYAD RAHMAN A.A.,
JUDGE**

Raj.



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APPENDIX OF WP(C) 44457/2024

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE PROCEEDINGS OF THE LOCAL SELF GOVERNMENT DEPARTMENT DATED 18/12/2004
Exhibit P2	TRUE COPY OF THE PROCEEDINGS OF THE LOCAL SELF GOVERNMENT DEPARTMENT DATED 06/12/2005 ALONG WITH ITS TYPED COPY
Exhibit P3	TRUE COPY OF THE LETTER SUBMITTED BY THE 1ST PETITIONER DATED 14/02/2006
Exhibit P4	TRUE COPY OF THE COMMUNICATION OF CORPORATION SECRETARY TO CHIEF TOWN PLANNER DATED 25/10/2007
Exhibit P5	TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER TO THE 2ND RESPONDENT DATED 21/01/2010
Exhibit P6	TRUE COPY OF COMMUNICATION ISSUED BY THE CHIEF TOWN PLANNER DATED 24/03/2012
Exhibit P7	TRUE COPY OF THE COMMUNICATION ISSUED BY THE EXECUTIVE ENGINEER THRISSUR CORPORATION DATED 12/06/2014
Exhibit P8	TRUE COPY OF THE JUDGMENT IN WP(C) NO. 14256 OF 2012 DATED 28/11/2017
Exhibit P9	TRUE COPY OF THE JUDGMENT IN WA NO.630 OF 2018 DATED 14/03/2018
Exhibit P10	TRUE COPY OF THE NOTICE ISSUED BY THE THRISSUR CORPORATION DATED 11/07/2018
Exhibit P11	TRUE COPY OF THE COMMUNICATION/ PROCEEDINGS DATED 21/05/2020 OF THE



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**DISTRICT TOWN PLANNER THRISSUR TO THE
2ND RESPONDENT**

- Exhibit P12** **TRUE COPY OF THE COMMUNICATION/ NOTICE
DATED 31/10/2023 ISSUED BY THE
ASSISTANT ENGINEER THRISSUR CORPORATION**
- Exhibit P13** **TRUE COPY OF THE ORDER NO.
B10/7761/2023 DATED 18/02/2024 OF THE
TAHASILDAR (LR) THRISSUR**
- Exhibit P14** **TRUE COPY OF THE BASIC TAX RECEIPT
DATED 09/10/2024 OF THE THRISSUR
VILLAGE OFFICE**
- Exhibit P15** **TRUE COPY OF THE REPRESENTATION DATED
14/11/2024 SUBMITTED BEFORE THE 2ND
RESPONDENT, ALONG WITH SCREENSHOT OF
THE ACKNOWLEDGMENT HAVING INWARD NO.
2848749 DATED NIL**