

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

SATURDAY, THE 31ST DAY OF MAY 2014/10TH JYAISHTA, 1936

WP(C).No. 8177 of 2014 (V)  
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PETITIONERS:  
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1. HEMALATHA K.V., D/O. KANNAN NAMBIAR,  
KALLIADAN HOUSE, KEESZHATTOOR, TALIPARAMBA-670141.
2. SATHYAVATHY.K.V., D/O. KANNAN NAMBIAR, KALLIADAN HOUSE,  
KEEZHATTOOR, TALIPARAMBA-670141.

BY ADVS.SRI.V.PHILIP MATHEW  
SRI.GIBI.C.GEORGE

RESPONDENTS:  
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1. TALIPARAMBA MUNICIPALITY  
REPRESENTED BY ITS SECRETARY  
OFFICE OF TALIPARAMBA MUNICIPALITY  
TALIPARAMBA-670141.
2. THE SECRETARY,  
TALIPARAMBA MUNICIPALITY  
OFFICE OF TALIPARAMBA MUNICIPALITY-670141.
3. REKHA SIVARAJ, W/O. SIVARAJAN, 'CHARU',  
KEEZHATTOOR, TALIPARAMBA-670141.
4. SIVARAJAN, S/O. RAGHAVAN, 'CHARU',  
KEEZHATTOOR, TALIPARAMBA-670141.

R3 BY ADV. SMT.VIDHYA. A.C  
R3 BY ADV. SRI.A.C.VENUGOPAL  
R-R1 & 2 BY ADV. SRI.P.V.SURENDRANATH  
R1 & 2 BY ADV. SMT.BINDUMOL JOSEPH  
R1 & 2 BY ADV. SRI.B.S.SYAMANTHAK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
31-05-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS  
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- P1. COPY OF REPRESENTATION DATED 23-5-2013 SUBMITTED BEFORE THE 2ND RESPONDENT.
- P2. COPY OF NOTICE NO. T.P. 14802/13 DT. 30-5-13 ISSUED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT.
- P3. COPY OF THE REPLY DATED 8-6-2013 SUBMITTED BY THE 3RD RESPONDENT.
- P4. COPY OF NOTICE NO. T.P. 14802/12 DATED 15-7-13 ISSUED BY THE 2ND RESPONDENT.
- P5. COPY OF INTERIM ORDER NO. TP 14802/13 DATED 15-7-2013 ISSUED BY THE 2ND RESPONDENT.
- P6. COPY OF REPRESENTATION DATED 29-7-2013 SUBMITTED BEFORE THE REGIONAL JOINT DIRECTOR, DEPARTMENT OF URBAN AFFAIRS, KOZHIKODE.
- P7. COPY OF THE LETTER NO. C. 2813/13 DATED 25-10-13.
- P8. COPY OF REPRESENTATION DATED 15-2-2014 SUBMITTED BEFORE THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS : NIL  
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// TRUE COPY //

TKS

P.S. TO JUDGE

**C.T.RAVIKUMAR, J.**

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W.P.(C)No.8177 of 2014  
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Dated 31<sup>st</sup> May, 2014

**JUDGMENT**

The petitioner is the neighbour of respondents 3 and 4. Regarding the construction of a car porch by respondents 3 and 4 the petitioner submitted a complaint before the second respondent alleging violation of the provisions under the Kerala Municipality Building Rules. Pursuant to its receipt the second respondent issued Ext.P5 order dated 15.7.2013 whereby the third respondent was directed to demolish the portion of the building constructed violating the rules. Feeling aggrieved by the delay in the matter of initiating follow up steps on the part of the second respondent the first petitioner submitted Ext.P6 representation. Despite the receipt of such representation no steps were taken to demolish the portions unauthorisedly constructed is the contention of the petitioners. It is the further contention of the petitioners that the third respondent submitted a representation pursuant to the receipt of Ext.P5 requesting for some time for removing the unauthorised construction. However, the said representation allegedly submitted by the third respondent is not before this Court. In the said circumstances, I do not think it proper to make any observation

with respect to that aspect. At the same time, having heard the learned counsel for the petitioners, the learned standing counsel for respondents 1 and 2 and also the learned counsel appearing for respondents 3 and 4 it is evident that in the matter of construction of the car porch by respondents 3 and 4 the petitioners herein had preferred a complaint before the second respondent and it is in pursuance thereof that Ext.P5 was issued. A perusal of Ext.P5 would reveal that pursuant to the receipt of that complaint from the petitioners the second respondent required the third respondent to demolish the alleged unauthorised construction. Whether the third respondent had submitted any explanation pursuant to the receipt of Ext.P5 and whether the proceedings initiated pursuant to the receipt of the complaint and in respect of which Ext.P5 was issued, was finalised by the second respondent is not discernible from the pleadings. The learned standing counsel appearing for respondents 1 and 2 seeks time to get instructions on that point. However, in view of the order I propose to pass in this writ petition I do not think it necessary to grant further time for ascertaining this aspect. When indisputable facts would reveal that a complaint was received from the petitioners and pursuant to which Ext.P5 order was issued to the third respondent the

second respondent is legally bound to finalise the said proceedings. If such proceeding have already been completed necessarily, it is the duty of the second respondent to communicate the outcome of the said proceedings to the parties concerned. If the proceedings are yet to be completed necessarily he is legally bound to complete the proceedings in accordance with law. In that view of the matter, this writ petition is disposed of with a direction to the second respondent to finalise the proceedings initiated pursuant to the receipt of a complaint from the petitioners and for which Ext.P5 was issued to the third respondent, expeditiously, at any rate, within a period of four weeks from the date of receipt of copy of this judgment. If the third respondent has not so far submitted any explanation pursuant to the receipt of Ext.P5 it would be open to the third respondent to submit the explanation. On receipt of copy of this judgment the second respondent shall call for such explanation within a week from the third respondent in case explanation was not yet received from him pursuant to Ext.P5. In case the second respondent has already passed an order pursuant to Ext.P5, copies of the orders shall be communicated to the petitioners as also to the third respondent. On the other hand, if the issue is still pending before the

second respondent, after complying with the directions issued hereinbefore, the second respondent shall pass appropriate orders within the time stipulated as above.

Sd/-  
C.T.RAVIKUMAR  
Judge

TKS