



2025:KER:17259

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

FRIDAY, THE 28TH DAY OF FEBRUARY 2025 / 9TH PHALGUNA, 1946

WP(C) NO. 4381 OF 2025

PETITIONER:

DR. CHANDRA THARA,
AGED 64 YEARS
W/O. LATE JAYAKUMAR, 'NALINI',
NJARAKKATTU VEEDU,ULIYAKKOVIL PO, KOLLAM - 691019

BY ADVS.
SADCHITH.P.KURUP
C.P.ANIL RAJ
SIVA SURESH
ATHIRA VIJAYAN
B.SREEDEVI

RESPONDENTS:

- 1 KOLLAM CORPORATION,
REP. BY ITS SECRETARY,CORPORATION OFFICE, KOLLAM,
PIN - 691001
- 2 THE SUPERINTENDING ENGINEER,
ENGINEERING DIVISION, KOLLAM CORPORATION,CORPORATION
OFFICE, KOLLAM, PIN - 691001
- 3 DR. DEVI PRASAD,
S/O. SADASIVAN PILLAI,ASH & SIGIL CLINIC,
KADAPPAKKADA,AJITH BHAVAN, ARUNNOOTTIMANGALAM, MANGAD
PO, KOLLAM, PIN - 691015
- 4 DR. BIJI PRASAD,
W/O. DEVI PRASAD,ASH & SIGIL CLINIC, KADAPPAKKADA,AJITH
BHAVAN, ARUNNOOTTIMANGALAM, MANGAD PO, KOLLAM- 691015



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BY ADVS.

Liji J Vadakkedom

ATHUL V. VADAKKEDOM(K/003544/2022)

REXY ELIZABETH THOMAS(K/635/1995)

SREEKUMAR (KOLLAM) -SC

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



JUDGMENT

Dated this the 28th day of February, 2025

The writ petition is filed to direct the respondents 1 and 2 to consider and dispose of Exts.P5 and P6 representations.

2. The petitioner is constructing a building as per Ext.P1 development permit and Ext.P2 building permit. Surprisingly, the petitioner received Ext.P4 notice from the 2nd respondent, directing her to stop the constructions. The petitioner has submitted Ext.P5 reply to the 2nd respondent on 27.01.2025 and Ext.P6 representation on 30.01.2025. However, Exts.P5 and P6 have not been considered till date. The inaction on the part of the respondents 1 and 2 is arbitrary. Hence, the writ petition.

3. Heard; the learned counsel for the petitioner, the learned Standing counsel appearing for the respondents 1 and 2 and the learned counsel appearing for the respondents 3 and 4.

4. The learned counsel appearing for the respondents 3 and 4 submitted that, it is based on the



complaint submitted by the 3rd respondent that the stop memo was issued to the petitioner because the 3rd respondent's building has developed cracks due to the construction. Therefore, if Exts.P5 and P6 are directed to be considered, the petitioner's complaint may also be directed to be considered by the 2nd respondent, after affording both sides an opportunity of being heard.

4. On a consideration of the facts and the materials on record, without expressing anything on the merits of the dispute between the parties, I direct the Secretary of the 1st respondent Corporation to consider and dispose of Ext.P6 representation and the complaint submitted by the 3rd respondent, in accordance with law and as expeditiously as possible, at any rate, within 30 days from the date of production of a copy of this judgment, after affording the petitioner and the respondents 3 and 4 an opportunity of being heard.

The writ petition is ordered accordingly.

Sd/- C.S.DIAS, JUDGE

AJ/01.03.2025



APPENDIX OF WP(C) 4381/2025

PETITIONER EXHIBITS

- | | |
|-------------------|--|
| Exhibit P1 | A TRUE COPY OF THE DEVELOPMENT PERMIT
SANCTIONED WITH EFFECT FROM 30.6.2023 TO THE
PETITIONER |
| Exhibit P2 | A TRUE COPY OF THE BUILDING PLAN WAS ALSO
APPROVED AND A BUILDING PERMIT ISSUED IN THE
NAME OF THE PETITIONER |
| Exhibit P3 | A TRUE COPY OF THE PERMIT GIVEN ON 29.11.2024
BY THE COMPETENT AUTHORITY |
| Exhibit P4 | A TRUE COPY OF THE NOTICE DATED 24.1.2025
ISSUED BY THE 2ND RESPONDENT |
| Exhibit P5 | A TRUE COPY OF THE SAID REPLY DATED 27.1.2025
GIVEN BY THE PETITIONER TO THE 2ND RESPONDENT |
| Exhibit P6 | A TRUE COPY OF THIS REPRESENTATION DATED
30.1.2025 |