



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(C) NO. 39463 OF 2023

PETITIONER:

DR. KORAH GEORGE,
AGED 46 YEARS, S/O LATE.DR.M. GEORGE JACOB,
MAZHUVANCHERYPARAMBATH, KOTHAMANGALAM.P.O.,
NEAR SUB-STATION, ELAVANAD NAGAR, KOTHAMANGALAM,
ERNAKULAM DISTRICT, PIN - 686691

BY ADVS.
AYYAPPAN SANKAR
S.HRIDYA

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE CHIEF TOWN PLANNER (PLANNING),
SWARAJ BHAVAN, 3RD FLOOR, NANTHANCODE,
KOWDIAR.P.O., THIRUVANANTHAPURAM, PIN - 695003
- 3 THE SENIOR TOWN PLANNER,
OFFICE OF THE JOINT DIRECTOR LOCAL SELF GOVERNMENT
DEPARTMENT (PLANNING), 4TH FLOOR, CIVIL STATION,
KAKKANAD, ERNAKULAM, PIN - 682030



- 4 THE THRIKKAKARA MUNICIPALITY,
MUNICIPAL OFFICE, THRIKKAKARA, KAKKANAD,
KOCHI-ERNAKULAM DISTRICT, PIN - 682030
REPRESENTED BY ITS SECRETARY,
- 5 THE SECRETARY,
THRIKKAKARA MUNICIPALITY, MUNICIPAL OFFICE
THRIKKAKARA, KAKKANAD, KOCHI,
ERNAKULAM DISTRICT, PIN - 682030
- 6 THE ASSISTANT EXECUTIVE ENGINEER,
THRIKKAKARA MUNICIPALITY, MUNICIPAL OFFICE
THRIKKAKARA, KAKKANAD, KOCHI,
ERNAKULAM DISTRICT, PIN - 682030

BY ADVS.
SRI.S.JAMAL, SC
SRI.E.G.GORDEN, SR.GP.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



JUDGMENT

This writ petition is filed by the petitioner, seeking a direction from the 5th respondent to reconsider the application for a building permit submitted by him.

2. I have heard Sri.Ayyappan Sankar, the learned counsel for the petitioner and Sri.E.G.Gorden, the learned Senior Government Pleader.

3. This Court notices that the captioned writ petition is filed against the rejection of the application for a building permit, essentially on account of the structural plan for the Kochi city.

4. This Court further notices that the petitioner is placing reliance on Ext.P6 communication dated 01.02.2020 of the Chief Town Planner, as per which, certain relaxations are made with respect to the various requirements.

5. In the light of the afore, there will be a direction to the 5th respondent herein to reconsider the application for a building permit filed by the petitioner with specific reference to the contents of Ext.P6 and pass an order, as expeditiously as



possible, at any rate, within a period of four weeks from today.

6. I make it clear that the applicability or otherwise of Ext.P6, as regards the application filed by the petitioner, is not considered in this judgment, and the 5th respondent is to act strictly in accordance with law.

This writ petition is disposed of as above.

Sd/-
HARISANKAR V. MENON
JUDGE

anm



APPENDIX OF WP(C) 39463/2023

PETITIONER'S EXHIBITS

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| Exhibit P1 | TRUE COPY OF SALE DEED NO.224/1980 DATED 15.1.1980 OF EDAPPALLY S.R.O. EXECUTED IN THE NAME OF PETITIONER'S FATHER LATE.DR.M.GEORGE JACOB |
| Exhibit P2 | TRUE COPY OF REGISTERED WILL NO.26/2007 OF ERNAKULAM S.R.O. EXECUTED BY LATE DR. M. GEORGE JACOB ON 20.1.2007 |
| Exhibit P3 | TRUE COPY OF DEATH CERTIFICATE DATED 1.11.2010 ISSUED BY REGISTRAR OF BIRTHS & DEATHS, KOTHAMANGALAM MUNICIPALITY IN RESPECT OF LATE. DR.M.GEORGE JACOB |
| Exhibit P4 | TRUE COPY OF LAND TAX RECEIPT DATED 5.11.2021 ISSUED TO THE PETITIONER FROM VILLAGE OFFICE, KAKKANAD |
| Exhibit P5 | TRUE COPY OF NOTICE NO.TP1-BA-58/2022 DATED 25.2.2022 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER |
| Exhibit P6 | TRUE COPY OF COMMUNICATION NO. F/465/2010 (VOL-III) DATED 1.2.2020 ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT TO THE 3RD RESPONDENT |
| Exhibit P7 | TRUE COPY OF JUDGMENT DATED 20.6.2023 IN W.P.(C) NO.12680/2023 OF THE HON'BLE HIGH COURT OF KERALA |
| Exhibit P8 | TRUE COPY OF JUDGMENT DATED 21.7.2022 OF THE HON'BLE HIGH COURT OF KERALA IN W.P.(C) NO.19020/2022 |
| Exhibit P9 | TRUE COPY OF JUDGMENT DATED 9.2.2011 IN W.P.(C) NO.24526/2009 OF THE HON'BLE HIGH COURT OF KERALA, REPORTED IN 2011(1) KLT 690 |
| Exhibit P10 | TRUE COPY OF JUDGMENT DATED 27.9.2016 IN W.A. NO.1023/2011 OF THE HON'BLE HIGH COURT OF KERALA |