



2025:KER:19151

WPC.No.22445/24

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 6TH DAY OF MARCH 2025 / 15TH PHALGUNA, 1946

WP(C) NO. 22445 OF 2024

PETITIONER:

DR.T.N.VASUDEVA PANICKER ,
AGED 77 YEARS,
SOPANAM, KODUNGALLUR (P.O), THRISSUR,
PIN - 680 664.

BY ADV.MANSOOR ALI

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
- 2 DISTRICT TOWN PLANER, THRISSUR,
OFFICE OF THE JOINT DIRECTOR, CIVIL STATION,
AYYANTHOL P.O, THRISSUR, PIN - 680 003.
- 3 KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ENVIRONMENTAL ENGINEER MEJESTIC
SQUARE BUILDING, 3RD FLOOR, PARAVATTANI (P.O)
OLLURKARA, PIN - 680 665.
- 4 THE MUNICIPAL COUNCIL, KODUNGALLUR MUNICIPALITY,
KODUNGALLUR MUNICIPALITY BUILDING,
KODUNGALLUR(P.O) THRISSUR, PIN - 680 664.



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5 *THE KODUNGALLUR MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MUNICIPALITY
OFFICE BUILDING, KODUNGALLUR P.O,
THRISSUR, PIN - 680 664.*

*Smt.Preetha.K.K, Sr.G.P,
Shri.K.A.Noushad, Shri.T.Naveen, SC*

*THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 06.03.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:*



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JUDGMENT

The petitioner is conducting a hospital in the property owned by him, having an extent of 49.29 Ares comprised in Survey Nos.625/2, 625/1, 623/3, 627/PT9, 627-PT7, 625/2-1 of Lokameswaram Village, Kodungallur Taluk. The petitioner approached this Court being aggrieved by the inaction on the part of the 5th respondent in considering the application submitted by him for registration of a private hospital and to change the occupancy of the building in the records maintained by the Municipality. Exts.P12 and P15 are the applications submitted by the petitioner in this regard. The grievance of the petitioner is that the same are not being considered by the 5th respondent Municipality by citing certain defects. Ext.P20 is the notice issued by the Municipality in this regard, wherein certain defects are noted in the application submitted by the petitioner. The learned counsel for the petitioner submits that the petitioner shall cure the defects pointed out and seeks for a direction to the



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Municipality to consider the application submitted by the petitioner within a time frame.

2. After hearing the learned counsel for the petitioner, the learned standing counsel for the Municipality and the learned standing counsel for the Pollution Control Board, I am inclined to dispose of this writ petition.

Accordingly, it is ordered that the 5th respondent shall ensure that the competent officer of the Municipality takes up Exts.P12 and P15 applications and pass orders thereon in accordance with law, provided the petitioner submits a compliance report, after curing the defects noted in Ext.P20. The decision as referred to above shall be taken by the competent authority under the 5th respondent within a period of one month from the date on which the petitioner is curing all the defects noted in Ext.P20.

Sd/-

ZIYAD RAHMAN A.A.

JUDGE



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APPENDIX OF WP(C) 22445/2024

PETITIONER EXHIBITS

- Exhibit P1* *THE TRUE COPY OF POSSESSION CERTIFICATE IS ISSUES BY THE 5TH RESPONDENT DATED OF 10/08/2021*
- Exhibit P2* *THE TRUE COPY OF THE CONSENT TO OPERATE CERTIFICATE ISSUED BY THE 3RD RESPONDENT DATED 30.07.2022*
- Exhibit P3* *THE TRUE COPY OF THE CERTIFICATE OF REGISTRATION TAKEN UNDER KERALA SHOPS AND ESTABLISHMENT ACT HAVING NUMBER SH080860011360 DATED 21.01.2015*
- Exhibit P4* *THE TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE FIRE AND RESCUE DEPARTMENT DATED 1/12/2023*
- Exhibit P5* *THE TRUE COPY OF THE COMMERCIAL LICENSE HAVING NUMBER PH1/008087 DATED 3/3/2016 ISSUED BY THE 5TH RESPONDENT*
- Exhibit P6* *THE TRUE COPY OF THE OCCUPANCY CERTIFICATE ISSUED BY THE 5TH RESPONDENT MUNICIPALITY DATED 12/2/2018*
- Exhibit P7* *THE TRUE COPY OF THE PROPERTY TAX RECEIPT ISSUED BY THE 5TH RESPONDENT MUNICIPALITY DATED 24/3/2021.*
- Exhibit P8* *THE TRUE COPY OF THE NOTICE HAVING NUMBER PH1-M255/17 DATED 21/6/2021*
- Exhibit P9* *THE TRUE COPY OF THE REPLAY SUBMITTED BY THE PETITIONER BEFORE THE 5TH RESPONDENT DATED 23/7/2021 AND ITS*



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RECEIPT

<i>Exhibit P10</i>	<i>THE TRUE COPY OF THE ORDER DATED 6/8/2021 ISSUED BY THE 5TH RESPONDENT</i>
<i>Exhibit P11</i>	<i>THE TRUE COPY OF THE MEMORANDUM OF APPEAL SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT</i>
<i>Exhibit P12</i>	<i>THE TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 5TH RESPONDENTS DATED 09.08.2021</i>
<i>Exhibit P13</i>	<i>THE TRUE COPY OF THE NOTICE HAVING NO PH1-9546/22 DATED 12.08.2022</i>
<i>Exhibit P14</i>	<i>THE TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER DATED 16.08.2022</i>
<i>Exhibit P15</i>	<i>THE TRUE COPY OF THE APPLICATION FOR OCCUPANCY CHANGE AND REGULARIZATION DATED 28.08.2022</i>
<i>Exhibit P16</i>	<i>THE TRUE COPY OF THE NOTICE HAVING NO 80/22-23 DATED 10.02.2023</i>
<i>Exhibit P17</i>	<i>THE TRUE COPY OF THE COVERING LETTER AND CITE PLAN SUBMITTED BY THE PETITIONER DATED 21.03.2024</i>
<i>Exhibit P18</i>	<i>. TURE COPY OF THE NOTICE HAVING NUMBER B.A 80/22-23 DATED 15.06.2024</i>
<i>Exhibit P19</i>	<i>THE TRUE COPY OF THE COMMUNICATION DATED 01.07.2024 AND ITS RECEIPT DATED 03.07.2024</i>
<i>Exhibit P20</i>	<i>THE TRUE COPY OF THE COMMUNICATION DATED 02.08.2024</i>



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Exhibit P21

*TRUE COPY OF THE LETTER SUBMITTED BY
SABNA TO THE MANAGER DATED 06.08.2024*