



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Judgement in W.P.(C) No.12012/2020 filed by Shri.Johnson Zavier - Complied with - Orders issued.

LOCAL SELF GOVERNMENT (RD) DEPARTMENT

G.O.(Rt)No.2213/2020/LSGD Dated, Thiruvananthapuram, 24/11/2020

- Read 1 Judgement in W.P.(C)No.12012/2020 dated 18/06/2020.
- 2 Report from the Chief Town Planner.

ORDER

The Hon'ble High Court of Kerala in the judgement dated 18/06/2020 on WP(C)No.12012/2020 filed by Shri.Johnson Zavier, disposed the writ petition with a direction to the competent authority of the 1st respondent Government, ie. Secretary, Local Self Government Department to immediately take up the matters raised in Ext.P11 representation dated 14-01-2020 submitted by the petitioner as well as the matters forwarded by the respondent Perumbavoor Municipality to the 1st respondent State Government as per Ext.P4 dated 12-02-2018, to the extent it concerns the petitioner herein and after ensuring that a report in the matter is duly submitted by the 5th respondent Secretary of the Perumbavoor Municipality and thereafter should afford reasonable opportunity of being heard to the petitioner as well as to the 5th respondent Secretary of the Perumbavoor Municipality and then should take a considered decision on the matters raised in Ext.P11 representation and also to finalise the action in pursuance of Ext. P4 proceedings dated 12/2/2018 to the extent it concerns the petitioner herein, without much delay preferably within a period of six weeks from the date of production of a certified copy of the judgement.

(2) Shri.Johnson Zavier had submitted an application before the Municipal Secretary, Perumbavoor for changing the occupancy of the building from Special Residential to Commercial and the application was rejected on the ground that the area fell within Green and Open Space area as per the published master plan for the Municipal Town Perumbavoor. After that the petitioner submitted an application to Government. (Ext.P11)

(3) In the light of the judgement on the W.P.(C)12012/2020 dated 18/06/2020, the petitioner was heard on 21/10/2020. At the time of hearing, the petitioner's counsel remarked that the said property was incorrectly included in the Green and Open Space and steps should be initiated to finalise the Master plan without further delay.

The Municipal Secretary, Perumbavoor has explained the reason for delay in finalising the Master Plan . Government has given permission to publish the draft Master Plan as per GO(MS)No. 136/16/LSGD dated 27/9/2016 and the notification has published in the Gazette on 22/11/2016. she has reported that the objections and suggestions received from the public on the draft Master Plan was heard and a report has been prepared and submitted before the Special Committee . The special Committee after detailed study has recommended some changes and after finalising the recommendations submitted by the Committee , the same is placed before the Council on 18-8-2020 and approved. She has further reported that the proposal for finalising Master Plan has been submitted to the Senior Town Planner on 25-9-2020.

The Chief Town Planner reported that the Municipal Council has approved the conversion of Park and Open Space in Perumbavoor Village, Block No.125, Re-Survey No.4 to Perumbavoor Village, Block No.132. The Chief Town Planner further reported that once the master plan is approved by the Government, occupancy change / addition / alteration / modification can be done on the basis of the permitted uses in the residential zone and the proposal for finalization of the master plan will be submitted to the Government soon.

(4) Government have examined all the aspects of the case and ascertained that the master plan can be finalised within two months from the date of submission of proposal for finalization of the master plan along with all the required documents by the Chief Town Planner to the Government. Once the master plan is approved , the grievance of the complainant will be resolved. In the above circumstances, the Chief Town Planner shall be

directed to submit the proposal for finalization of the Master Plan with all details to the Government within 2 weeks and the Order of the Hon'ble High Court of Kerala is thus complied with.

(By order of the Governor)
MADEENA BEEGAM.A
UNDER SECRETARY

To:

1. The Advocate General(with covering letter)
2. The Chief Town Planner, Thiruvananthapuram.
3. The Regional Town Planner, ~~Thiruvananthapuram~~ *Emakulam*.
4. Secretary, Perumbavoor Municipality.
5. Shri.Johnson Zavier, Palumoottil House, Nedungapara, Perumbavoor-683542
6. The Executive Director, IKM, Swaraj Bhavan ,
Thiruvananthapuram(to publish in all Government website and Local Self Government Department website)
7. Director of Information & Public Relations Department.
8. Stock File/Office copy.

Forwarded /By order

Signature valid

Digitally signed by ANDHU P G
Date: 2020.11.24 4:03:18 IST
Reason: Approved

Section Officer