



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Kannur Municipality- Judgment in WP(C)No.12563/12 filed by Smt.Sakeena and another - Compliance of Court direction - Orders Issued

LOCAL SELF GOVERNMENT (RB) DEPARTMENT

G.O.(Rt) No. 2443/2012/LSGD Dated, Thiruvananthapuram, 22 .8.2012

- Read:-** 1. Judgment dated 21.05.2012 WP(C) No.12563/12 filed by **Smt.Sakeena and another, Puthiyandi House, Thayyil Road, Neerchal, Kannur.**
2. Letter No. C1- 2358/12 dated 05.7.2012 from the Regional Joint Director of Urban Affairs Department, Kozhikode

ORDER

The Hon'ble High Court in its judgment dated 21.05.2012 in WP(C) No.12563/12 filed by **Smt.Sakeena and another, Puthiyandi House, Thayyil Road, Neerchal, Kannur.** has directed the 1st respondent (Government) to consider and pass orders on Exhibit P3 after affording an opportunity of being heard to the petitioner as well as the 3rd respondent as expeditiously as possible at any rate within two months from the date of receipt of a copy of the judgment.

2. In the exhibit P3 representation the petitioners had requested to regularise their unauthorised construction carried out in their property in Kannur Municipality. The Petitioners had modified

two rooms in their house without a permit from the Municipality. The counter Petitioner had complained that the modification obstructed on public pathway between their houses. The Petitioners had demolished the window shades of their building in order to prevent any protrusion into the adjacent area. But the Counter petitioner wants the demolition of the two new rooms also.

3. As directed by the Hon. High Court, the Government have heard the petitioners and the third respondent on 08/08/2012 in the presence of the Chief Town Planner, Secretary, Kannur Municipality and the Senior Town Planner (Vigilance). In the hearing it was clear that the counter petitioner's case that the new constructions are blocking the public path is baseless since the competent authority ie Hon'ble Municif Court has ruled that there is no public path in the area between the houses. Hence the petitioners may move the Municipal authority to regularise the building under Rule 143 of KMBR 1999. As per the law the Municipal Secretary is the competant authority to do so.

4. In the above circumstances, Government have examined the matter and dispose of it with direction to the Secretary, Kannur Municipality to decide the case on receipt of the application from the petitioners after considering all the relevant legal and technical aspects. In any case the municipality must dispose the case within a month of receipt of the Petitioner's request.

5 The directions contained in the judgment read above are thus complied with.

By Order of the Governor
T.K. Manoj Kumar
Principal Secretary to Government.

To

The Advocate General, Kerala Ernakulam(with covering letter)

Smt.Sakeena Puthiyandi and Smt. Shereefa Puthiyandi,
Puthiyandi House, Thayyil Road, Neerchal, Kannur.

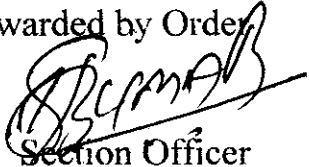
Chief Town Planner, Thiruvananthapuram.

The Secretary, Kannur Municipality, Kannur.

✓The Executive Mission Director, Information Kerala Mission, Pratheeksha
Towers, Pangappara, Thiruvananthapuram. (for publishing in the website)

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Forwarded by Order



Section Officer