



GOVERNMENT OF KERALA
Abstract

Local Self Government Department-Judgment in WP(C) No. 9978/12 filed by M/S Meridian Builders and Developers, 39/1415 Shalimar Complex, Kalathiparamb Road, Ernakulam -Compliance of Court direction --Orders Issued

LOCAL SELF GOVERNMENT (RB) DEPARTMENT
G.O.(Rt) No. 216 /2013/LSGD, Dated, Thiruvananthapuram, 28.01.2013

Read:- 1. **Petition dated 6.8.12 submitted by M/S Meridian Builders**
2. **Judgment dated 16.10.12 in WP(C) No. 9978//12 filed by M/S Meridian Builders and Developers.**

ORDER

The Hon'ble High Court in Judgment dated 16.10.2012 in WP(C) No. 9978/12 filed by M/S Meridian Builders and Developers, 39/1415, Shalimar Complex, Kalathiparamb Road, Ernakulam had directed the Government (Ist Respondent) to consider Exhibit P 11 petition submitted by the Petitioner in accordance with law and to pass appropriate orders, thereon, as expeditiously as possible and at any rate within a period of two months of the date of receipt of a copy of the Judgment, after affording an opportunity to the petitioner to supplement his pleadings and to produce additional evidence if any, in support of his case and after affording an opportunity of being heard to the petitioner and second respondent.

2. Exhibit P11 is the application for review submitted by the petitioner to review the Exhibit P10 order, declining the application for regularization of the construction of the petitioner as per Kerala Building (Regularization of Unauthorized Construction) Rules, 2010.

3. The petitioner was heard in accordance with the direction of the Hon'ble High Court in the presence of the second respondent. As per Exhibit P11 review petition dated 6.8.2012 Petitioner has requested six

months time span to rectify the defects of the construction of residential flat in Survey No, 2521/2 of Ernakulam village in Kochi Corporation. Already 5 months have elapsed at the time of hearing. During the time of hearing the petitioner has again requested more time to complete the rectification work for the structural stability of the building. But he could not produce any approved documents in support of his pleading as ordered by the Hon'ble High Court. As the building is a threat to the society Government is not in a position to accept his pleadings without any approved documents.

4. As per the site inspection report of Senior Town Planner(Vigilance)the building visibly stands slanting and may cause a catastrophe in case of an earthquake or similar impacts. Chief Engineer, Local Self Government Department has also reported 1.8° slanting.

5. Government have examined the matter in detail and found that there is no provision in the existing rules to give time for rectification of the construction. Hence the Exhibit P 11 review application is rejected.

6. The directions contained in the Judgment read as 2nd paper above is thus complied with.

By Order of the Governor
Dr.Rajan Khobragade
Secretary to Government

To.

M/S Meridian Builders and Developers , 39/1415 ,
Shalimar Complex, Kalathiparamb Road, Ernakulam
Advocate General, Kerala Ernakulam (With C/L)
Secretary, Corporation of Kochi.

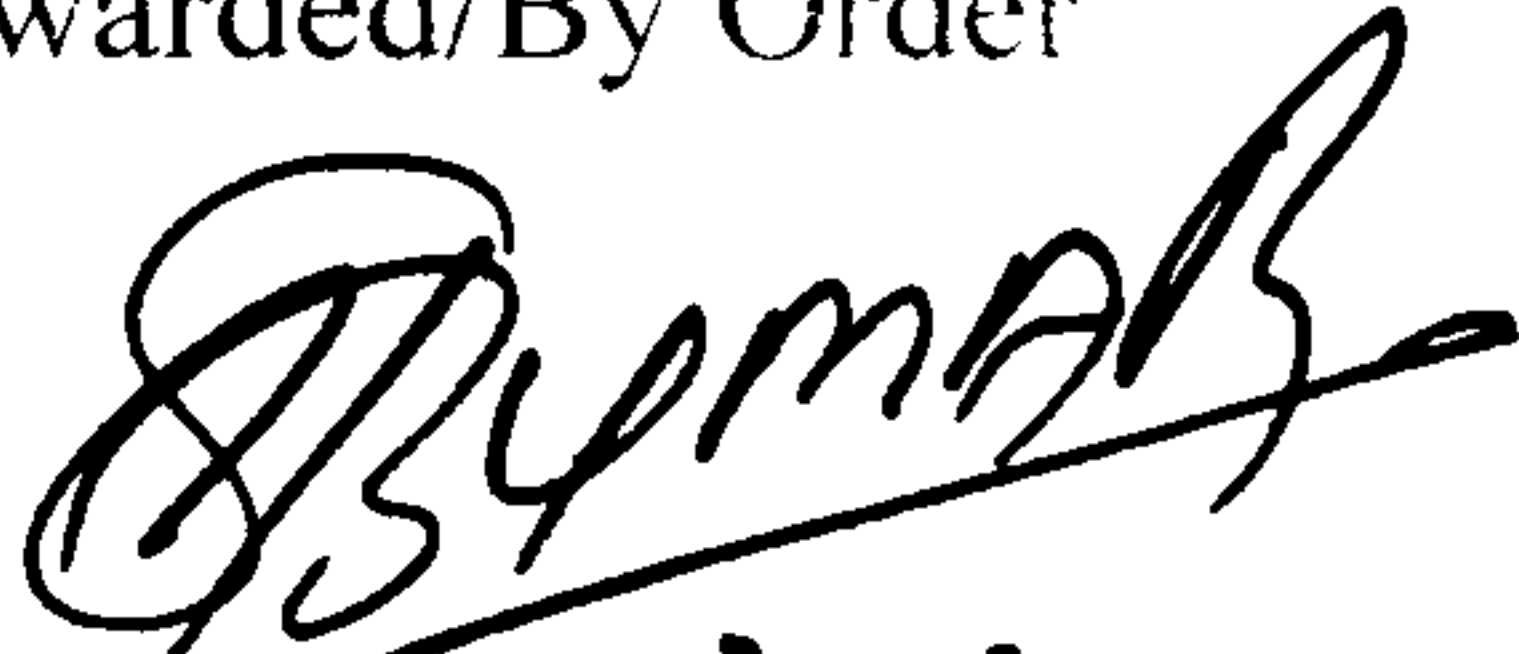
Senior Town Planner, Ernakulam

Chief Town Planner, Thiruvananthapuram.

✓ Executive Director , Information Kerala Mission ,Thiruvananthapuram

Stock file & Office Copy.

Forwarded/By Order


Section Officer