

GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Kozhikode Corporation – Judgment in WP(C) 25610/2013 filed by Sri. P.K Ali Haji, Puthiyottikandi House Elathoor P.O – Compliance of Court direction -Orders Issued

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LOCAL SELF GOVERNMENT (RB) DEPARTMENT

G.O.(Rt)No.3419/2014/LSGD Dated, Thiruvananthapuram,20/12/2014

- Read:-
- 1.G.O (Ms) 196/1999/LSGD dated 14/10/1999.
  - 2.Regularization application dated 30/06/2000 by Sri. P.K Ali Haji(Exhibit P3).
  - 3.Government letter No.48068/RB3/11/LSGD dated 12/06/2012.(Exhibit P8)
  - 4.Judgment dated 17/07/2014 in W.P (c) 25610/2013 filed by Sri. P.K Ali Haji, Puthiyottikandi House, Elathoor P.O, Kozhikode.
  - 5.Argument note submitted by the petitioner at the time of hearing held on 14/10/2014.
  - 6.Letter No.C1/1938/14/K Dis dated 20/11/2014 of District Town Planner, Kozhikode.

O R D E R

As per the judgment read as 4<sup>th</sup> paper above the Hon'ble High Court had quashed the Exhibit.P8 order and directed the 1<sup>st</sup> respondent (ie. Secretary LSGD) to consider Exhibit P3 application, after affording the petitioner an opportunity of being heard within a period of three months from the date of receipt of a copy of the judgment.

2.Exhibit P3 is the regularization application read as 2<sup>nd</sup> paper above, submitted by the petitioner. Government had rejected the Exhibit P3 application due to the delay in process vide Exhibit P8 order read as 3<sup>rd</sup> paper above. As ordered by the

Hon'ble Court, the petitioner was heard on 14/10/2014. The petitioner has submitted an argument note read as 5<sup>th</sup> paper above at the time of hearing. The petitioner has requested to re-consider the regularization application and to regularize the construction of a four storied commercial building at Re survey No.6/1 at Ward No.7 of Kozhikode corporation as per the regularization order prevailing at the time of submission of application.

3.While considering the delay occurred from the part of the Corporation and the direction of the Hon'ble High Court, it was decided to obtain a detailed report from the DTP Kozhikode. The DTP has reported that, the said construction could be regularized as per G.O (Ms)196/99/lsgd dated 14/10/1999 by remitting a compounding fee of Rs.1,35,000/-(One lakh and thirtyfive thousand rupees only).

4.Government have examined the matter in detail and are pleased to direct the Secretary Kozhikode Corporation to regularize the construction of Sri.P K Ali Haji at ward No. 7, Re.Survey No.6/1 of Kozhikode Corporation, subject to the following conditions.

a)The Secretary, Kozhikode Corporation will verify the documents to prove the ownership of land.

b)The compounding fee for the building is Rs. Rs.1,35,000/-(One lakh and thirty five thousand rupees only) which should be remitted in the Government Treasury under the head of account "0217 urban development-60 Other Urban Development Schemes- 800 Other receipts-91 compounding fee for regularisation of Unauthorised Construction, violating

provision of Building Rules " in the current financial year.

c) The amount mentioned above should be remitted in the Government Treasury within 30 days from the date of this order and the chalan receipt shall be produced before the Secretary, Kozhikode Corporation who in turn will take further action for regularisation of the construction as required under the Kerala Building(Regularization of Unauthorised Construction) Rules 1999.

The direction contained in the judgment read above is thus complied with.

By Order of the Governor  
A P M MOHAMMED HANISH  
Secretary to Government

To

Shri P.K Ali Haji, Puthiyottikandi House, Elathoor P.O,  
Kozhikode.

The Advocate General, Kerala Ernakulam(with covering letter).

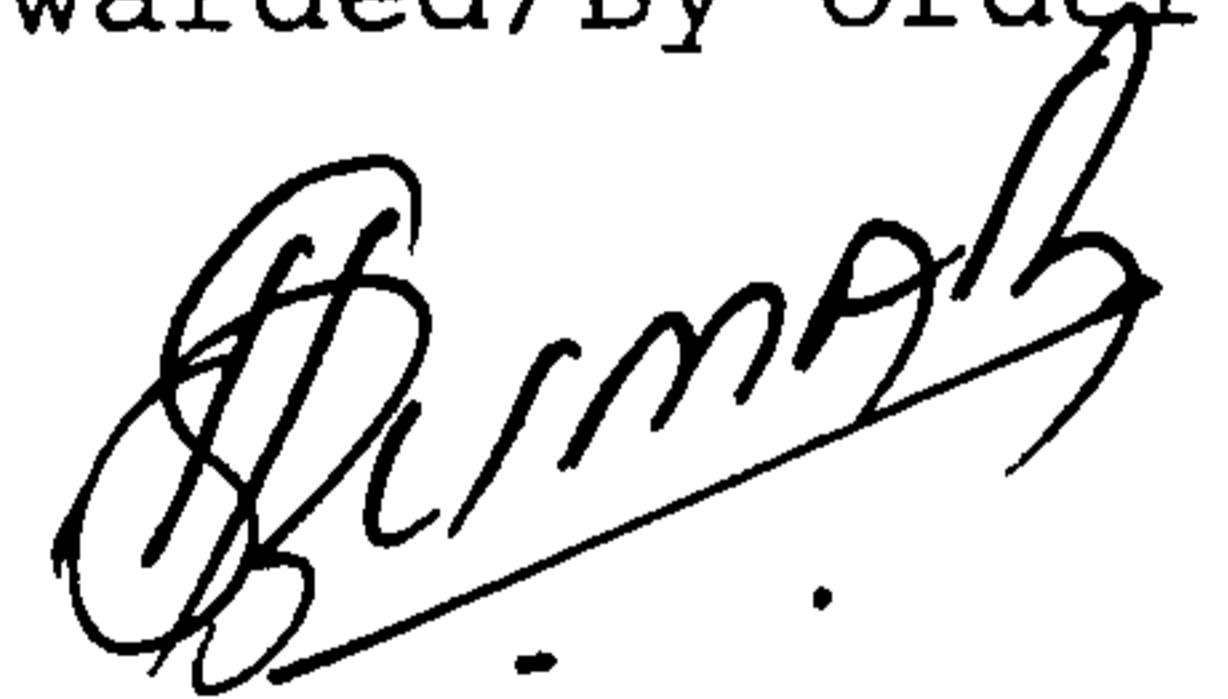
The District Town Planner, Kozhikode.

The Secretary Kozhikode Corporation, Kozhikode.

The Executive Director, Information Kerala Mission, Pangappara,  
Trivandrum.

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Forwarded/By Order



Section Officer