

**GOVERNMENT OF KERALA**  
**Abstract**

Local Self Government Department- Corporation of Kochi -Unauthorised Construction in Survey No.86/15,16 in Edappally south village -Regularization under the Kerala Municipality Building (Regularisation of unauthorised construction ) Rules, 2014 –Sanction accorded--Orders Issued--

**LOCAL SELF GOVERNMENT (RB) DEPARTMENT**

G.O.(Rt) No 2643/2015/LSGD Dated, Thiruvananthapuram, 31/08/2015

- Read:-
1. GO(MS) No.39/14/LSGD dated 14.2.14.
  2. Government letter No.165178/RB1/15/LSGD dated 18.4.15
  3. Review application dated 10.6.15 under Kerala Municipality Building (Regularisation of unauthorised construction ) Rules, 2014 submitted by Sri. Georgekutty Kunjeria and Smt. Roslin Georgekutty Kunjeria, Oxford Symphony Appartment, Kalavath Cross Road, Palarivattom, Kochi-25
  4. Judgment dated 10.4.15 in WP(C) No. 12305/15 filed by Sri. Georgekutty Kunjeria Oxford Symphony Appartment, Kalavath Cross Road, Palarivattom, Kochi-25
  5. Letter No.C1/6598/2015 dated 17.8.15 of the Chief Town Planner, Thiruvananthapuram

**ORDER**

As per the Government letter read as 2<sup>nd</sup> paper above, Government had rejected the application for regularization of the residential apartment constructed in the land comprised in survey No.86/15,16 in Edappally south village carried out by Sri. Georgekutty Kunjeria and Smt. Roslin Georgekutty Kunjeria, Oxford Symphony Appartment, Kalavath Cross Road, Palarivattom, Kochi-25 since the construction violates regularisation criteria No 5 of Appendix II of Kerala Municipality Building (Regularisation of unauthorised construction) Rules, 2014 (Rule 117(1) of Kerala Municipality Building Rules, 1999)

2. Sri. Georgekutty Kunjeria and Smt. Roslin Georgekutty Kunjeria, vide application read as 3<sup>rd</sup> paper above has submitted a review petition challenging the directions contained in the Government letter read above. Government have examined the review petition in exercise of the powers conferred under rule 7(5) of Kerala Municipality Building (Regularisation of unauthorised construction ) Rules, 2014 and found that road in front of the building at the access to the plot has got a minimum width of 5 m and one side contiguous to the road abutting also has got a minimum of 5 m wide open space and thus the aforesaid construction satisfies the requirements of Rule 117 of Kerala Municipality Building Rules as stood in 2006 and hence construction is not violating the regularisation criteria of the Kerala Municipality Building (Regularisation of unauthorised construction ) Rules, 2014 . As per letter read as 5<sup>th</sup> paper above Chief Town Planner, Thiruvananthapuram has also reported to Government that amount of compounding fee to be collected in the case of regularisation of the construction is ₹ 35,54,895 (Rupees thirty five lakhs, fifty four thousand eight hundred and ninety five only)

3. In the above circumstances Government are pleased to accord sanction to the Secretary, Kochi Corporation to regularise the residential apartment (14 floors) with a total floor area of 8825.96 M<sup>2</sup> constructed in Survey No. 86/15,16 in Edappally south village in Kochi Corporation carried out by Sri. Georgekutty Kunjeria and Smt. Roslin Georgekutty Kunjeria, Oxford Symphony Apartment, Kalavath Cross Road, Palarivattom, Kochi-25 subject to the following conditions.

- I) The front yard shall be kept open by not constructing any compound wall, fence or structure except removable fence in line with rule 117 of Kerala Municipality Building Rules as it stood in 21.4.2006.
- II) The compounding fee for the building is ₹ 35,54,895 (Rupees thirty five lakhs, fifty four thousand eight hundred and ninety five only). It should be remitted in the Government Treasury under the head of account of "0217 Urban Development-60 Other Development Scheme-800—Other receipts-91 compounding fee for regularization of unauthorised construction violating provision of building rules

4. The amount mentioned above should be remitted in the Government Treasury within a period of 30 days from the date of this order and the original chalan receipt shall be produced before the Secretary, Kochi Corporation who in turn will take further action for regularization of the construction as required under the Kerala Municipality Building (Regularisation of unauthorised construction) Rules, 2014.

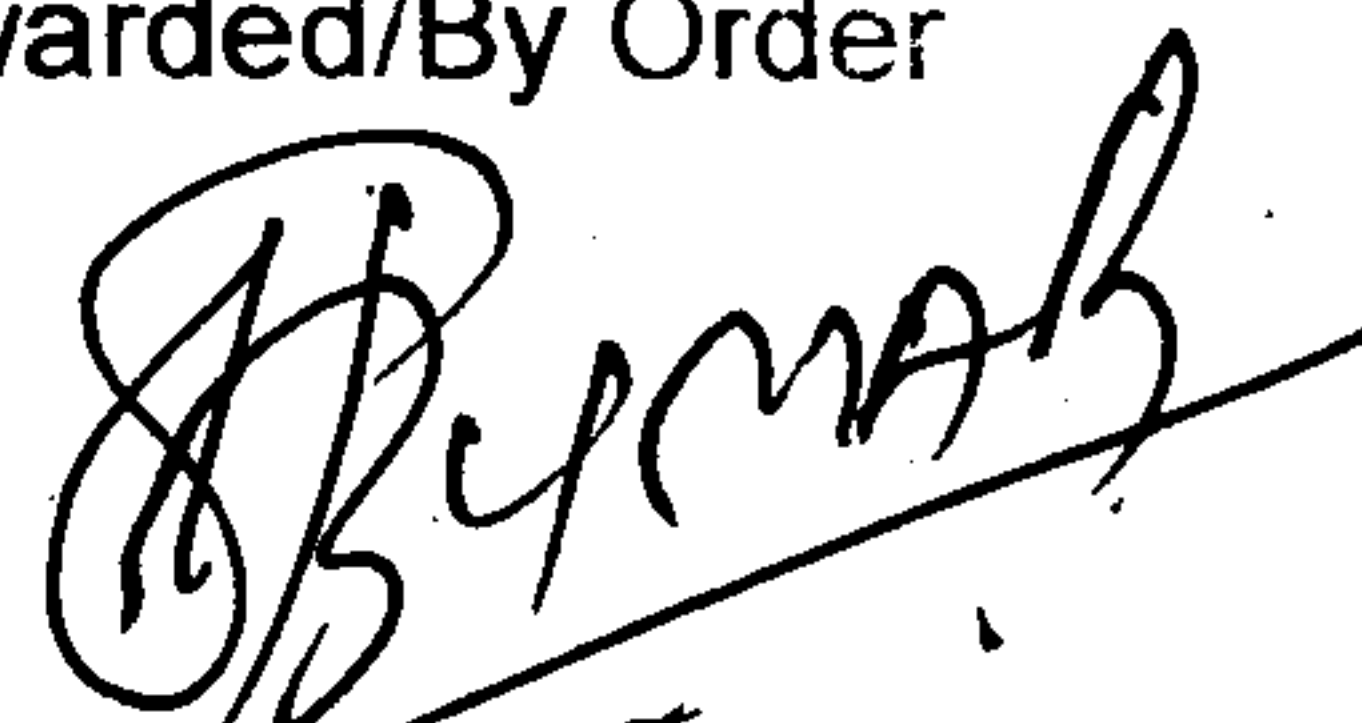
5. Before issuing occupancy certificate the Secretary, Kochi Corporation will ensure that the conditions stipulated in para 3 of this order are complied.

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

To

Sri. Georgekutty Kunjeria  
and Smt. Roslin Georgekutty Kunjeria  
Oxford Symphony Apartment, Kalavath Cross Road, Palarivattom, Kochi-25  
The Secretary, Kochi Corporation  
The Chief Town Planner, Thiruvananthapuram.  
The Chief Town Planner, (Vigilance)  
The Senior Town Planner, Ernakulam.  
✓ The Executive Director, Information Kerala Mission, Thiruvananthapuram.  
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Section Officer