

GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Judgment in WP(C)No.12647/16 filed by Shri.P.P.Ramachandran, Proprieter, U.K.Chettiar Investment Private Limited, Jewel Arcade, Layam road Kochi-11 Compliance of Court direction - Orders issued--

LOCAL SELF GOVERNMENT (RB) DEPARTMENT

G.O.(Rt) No. 1806/2016/LSGD Dated, Thiruvananthapuram, 30/05/2016

Read:- 1) Judgment dated 31.3.2016 in WP(C)No.12647/16 filed by Shri.P.P.Ramachandran.
2) Representation dated 16.4.2016 submitted by Shri.P.P.Ramachandra.

ORDER

The Hon'ble High Court in its Judgment read as 1st paper above has directed the Government (1st respondent) to deal the application submitted by the petitioner within a period of 6 weeks from the date of receipt of the application after hearing the petitioner as well as the 3rd respondent.

2. As directed by the Hon'ble High Court, the petitioner was heard on 11.5.16 with the presence of the representatives of 3rd respondent and Chief Town Planner, Thiruvananthapuram. During the time of hearing the petitioner had requested to grant occupancy certificate to the construction. The representative of the Chief Town Planner has reported, that based on the site inspection conducted by the Senior Town Planner, Ernakulam there exists a B+G+6+1(Sheet roof) building in the plot. Basement floor is used as parking area and remaining floors as commercial/office occupancy. Chief Town Planner has also reported that as per the G O(Rt)No.1541/2005/LSGD dated 15.4.2005, Zonal exemption was given to the construction with the following conditions:

- i) Revising the plans satisfying Kerala Municipality Building Rules 99 especially for the Rule 24(8), 31 and 34.
- ii) Demolishing the compound wall in such a way that one side shall have 5 m access road for fire fighting satisfying rule 117 for which written consent of the neighboring property owner shall be produced.
- iii) NOC from fire force department shall be obtained.
- iv) Provision for rain water harvesting shall be provided.
- v) Provision for surface water drainage and solid waste disposal shall be provided.

3) Chief Town Planner has also reported that the petitioner had carried out the construction in deviation of the approved plan and the petitioner had not satisfied the conditions of the exemption order and there is no 5 m open space to the building satisfying rule 117(1) of Kerala Municipality Building Rules.

4) Government have examined the matter in detail and found that as per the existing rule occupancy certificate could not be granted to the construction having the above violations. Hence the application read as 2nd paper above is rejected.

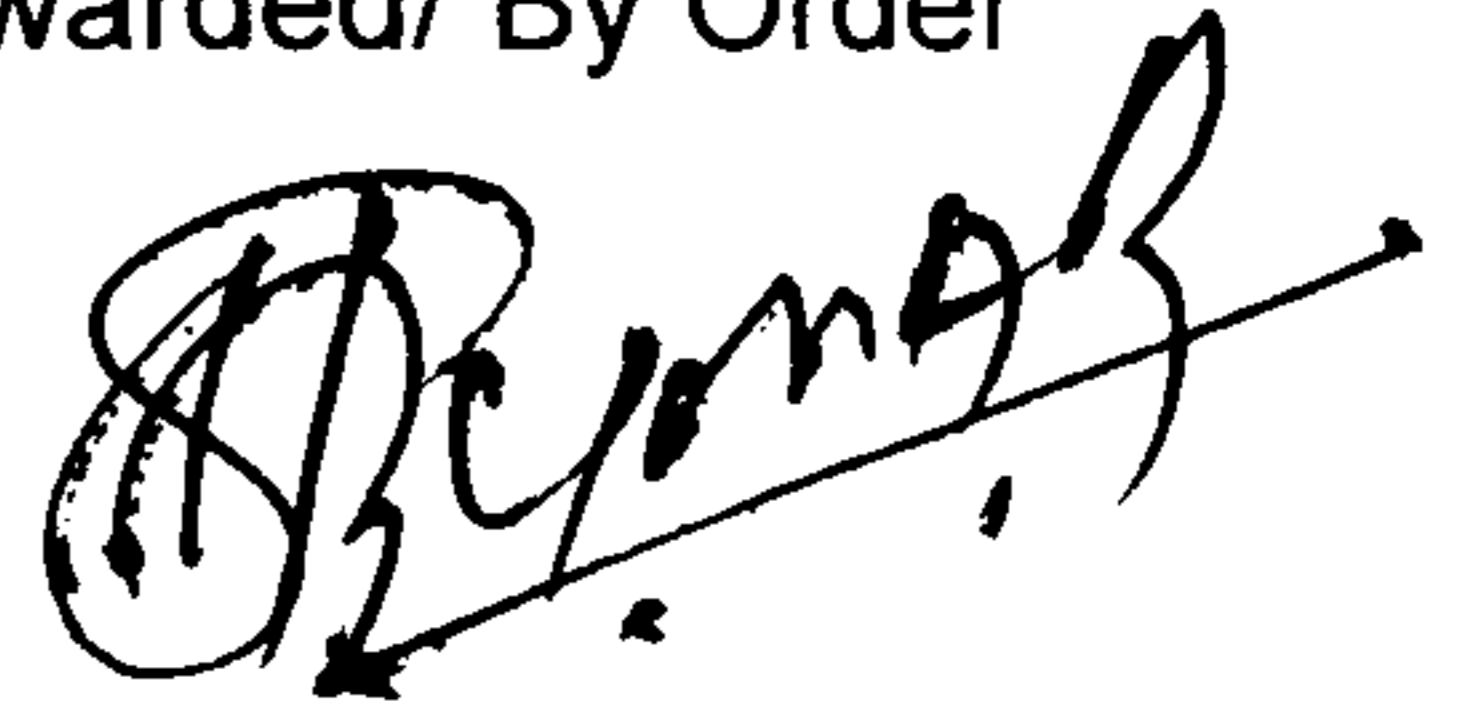
5) The directions contained in the Judgment read above are thus complied with.

By Order of the Governor
Madhu.B.
Joint Secretary

To

Shri. P.P. Ramachandran, Proprieter, U.K. Chettiar Investment Private Limited, Jewel Arcade, Layam road Kochi- 11
The Advocate General, Kerala, Ernakulam. (with C/L)
Secretary, Kochi Corporation.
Chief Town Planner, Thiruvananthapuram
Executive Director, Information Kerala Mission,
Thiruvananthapuram
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Forwarded/ By Order


Section Officer

10