



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Judgment dated 13.04.2021 of Hon'ble High Court in WP(C) No. 4153/21 Filed by Sri. R. Parameswarn - Court direction complied with - Orders issued.

LOCAL SELF GOVERNMENT (RB) DEPARTMENT

G.O.(Rt) No.2028/2021/LSGD. Dated, Thiruvananthapuram, 18/10/2021.

- Read: -
1. Judgment dated 13.04.2021 of Hon'ble High Court in WP(C) No. 4153/21 Filed by Sri. R. Parameswarn
 2. Minutes of the Chapter IX committee meeting held on 7.07.2021
 3. Letter number TCPCTP/ 602/2021- F2, dated: 16.07.2021, from the Chief Town Planner, Thiruvananthapuram.
 4. Letter number G1-6351/2021 dated 25.08.2021 from the Director, Urban Affairs, Thiruvananthapuram.

ORDER

The Honourable High Court in its judgment dated 13/04/2021 in WP (C) No. 4153/2021, filed by Sri. R. Parameswarn, directed the 4th respondent i.e., the IX Committee headed by the Principal Secretary, Local Self Government Department, to take decision on the Exhibit P5 Building permit renewal application, which is pending with Government within three months. The Hon'ble Court as per paper read as 1st above, also granted freedom to the Committee to point out any defects in the application with prior notice to the petitioner and directed the petitioner to take steps to cure those defects pointed out. Accordingly IX Committee meeting was held on 7/7/2021. After analyzing the matter, the Committee vide paper read as 2nd above directed the Director of Urban Affairs to conduct a meeting with the petitioner along with District Town Planner, Thrissur and Secretary, Thrissur Corporation and to submit a report to the Chairman of the Committee within 10 days and directed

the applicant to produce all supporting documents to substantiate his claim. So that the Committee can take a decision on Exhibit P5 based on the report.

2) Accordingly the Director of Urban Affairs, vide paper read as 4th above, furnished the report which says that the argument of the petitioner was that the Secretary, Trissur Corporation has been reporting false statements regarding the extension of permit of the building owned by him. The petitioner also informed that, though he had submitted the approved plan and permit of the said building before the Corporation many times, the Secretary rejected the application without proper verification or handing over the same to the Town Planner. The Secretary made time lag around one year for sending the file to Fire & Rescue Dept even after the order of the Hon'ble High Court has come into force. He has also requested to take necessary action to extent his permit by examining the issue.

3) The Director of Urban Affairs has informed Govt that the application for renewal of building permit would be considered after rectifying the following 16 defects pointed out by the Chief Town Planner in the said construction.

1. The application for renewal/extension of the period of building permit was not submitted as per the proforma prescribed for the Chapter IX Committee of Kerala Municipality Building Rules 2019.
2. Permit has been submitted in 2007 and the revised permit on 2009. Therefore the extension has to be granted as per the revised Plan.
3. As the permit plans are not submitted, it is to be clarified whether the constructions are done in accordance with the building permit issued.
4. The detailed calculations of F A R, Parking, Coverage and Rule violations of Kerala Municipality Building Rules 1999 by considering the total area of the buildings constructed in the plot are not mentioned
5. The survey number and area of the plot are not mentioned in the letter of the Secretary, Thrissur Corporation.
6. The survey number in the report of the Secretary, Thrissur Corporation

and that in the Plans are mismatching.

7. F A R and Coverage as per Rule 31 of Kerala Municipality Building Rules 1999 is not mentioned in the submitted plans.
 8. The permissible height of the building as per Rule 32 of Kerala Municipality Building Rules 1999 is only 22.5 metres. However, the building has a height of 38.70metres. Hence the building violates Rule 32 of Kerala Municipality Building Rules 1999.
 9. The number of flats and carpet area for calculating the car parking as per Rule 34(2) and two wheeler parking as per Rule 34(4) of of Kerala Municipality Building Rules 1999 considering the total area of buildings are not mentioned in the plans.
 10. For the fire stair, which is an external stair as per Rule 39(1) of Kerala Municipality Building Rules 1999, Openings on the two sides are not provided.
 11. Even though 3 lifts are required as per Rule 48 of of Kerala Municipality Building Rules 1999, only 2 lifts are provided.
 12. Even though a total recreation space of 1143.14 sqm area is required for Block II, only 323.76 sqm area is provided. The recreation space required for Block I cannot be tabulated as the plans of the Block I are not submitted.
 13. Acknowledgement of building Licensee as per Rule 153 Appendix-A of of Kerala Municipality Building Rules1999 is not mentioned in the plans.
 14. Area calculation of Block I is not mentioned in the Area Statement.
 15. Ownership of the properties of the surrounding plots are not shown in the plans.
 16. The width of road on the west side (front side) of the plot is mentioned as 7.00 meters instead of 6.00 meters .
4. The 4th respondent Committee, in the light of the Court direction and report from the Director of Urban Affairs and Chief Town Planner,

have examined the matter in detail and hereby direct the Secretary, Trissur Corporation and the Petitioner to submit application for renewal of permit after rectifying all the said 16 defects pointed out above by the Chief Town Planner.

5) The judgement of the Hon'ble High Court dated: 13.04.2021 in WP(C) No. 4153/21 is thus complied with.

(By order of the Governor)
Lizymol E
Deputy Secretary

To:

The Advocate General, Ernakulam, Kerala. (With C/L).
Sri. R. Parameswaran, Managing Partner, Kamakshi Constructions,
Temple Trees Apartment, TC 35/4250, Pazhayanaadaku, Thrissur-01.
The Chief Town planner, Thiruvananthapuram.
The Director of Urban Affairs, Thiruvananthapuram.
The District Town planner, Thrissur.
The Secretary, Thrissur Corporation.
The Accountant General, Kerala (Audit)/(A&E), Kerala, Tvpm.
The Director, Information Kerala Mission, Pangappara, Thiruvananthapuram
(for publishing in the official Website).
Stock File/Office Copy.

Forwarded /By order

Signed by Suja S K
Date: 20-10-2021 10:41:32
Section Officer
Reason: Approved