

JerIn Jacob Vs. State of Kerala

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Court : Kerala

Decided On : Jan-08-2013

Judge : Honourable Mr.Justice K.Surendra Mohan

Appellant : JerIn Jacob

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN TUESDAY, THE 8TH DAY OF JANUARY 2013 18TH POUSHA 193 WP(C).No. 773 of 2013 (V) ----- PETITIONER: ----- JERIN JACOB AGED 6 YEARS S/O.A.P.JACOB,ANJILIY HOUSE,EDAPALLY P.O. KOCHI-682 024 REPRESENTED THROUGH HIS POWER OF ATTORNEY HOLDER A.P.JACOB AGED 6 YERS,S/O.LATE PAULOSE -DO. BY ADVS.SRI.ELVIN PETER P.J.

SRI.T.G.SUNIL (PRANAVAM) SRI.K.R.GANESH RESPONDENTS: -----

1. THE DISTRICT MEDICAL OFFICER (HEATH),ERNAKLAM

011.

2. THE HEALTH INSPECTOR PRIMARY HEALTH CENTRE,KOCHI-682 021.

3. RADHAKRISHNAN NAIR RENJINI,MAROTTICHUVADU,EDAPPALLY KOCHI-682 024. BY GOVERNMENT PLEADER SMT.C.K.SHERIN THIS WRIT PETITION

(CIVIL) HAVING COME UP FOR ADMISSION ON 08-01-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: APPENDIX IN WPC 773/2013 PETITIONER(S) EXHIBITS EXHIBIT P1. TRUE COPY OF THE SALE DEED NO.1224/2009 OF SRO, TRHIKKAKKARA. EXHIBIT P2. TRUE COPY OF THE BUILDING PERMIT NO.BA-372/2009-10 ISSUED BY THRIKKAKKARA MUNICIPALITY. EXHIBIT P3. TRUE COPY OF APPROVED PLAN. EXHIBIT P4. TRUE COPY OF THE OCCUPANCY CERTIFICATE DATED 28 10/2011 ISSUED BY THE 2ND RESPONDENT MUNICIPALITY. EXHIBIT P5. TRUE COPY OF THE REPLY DTED 5 5/2012. EXHIBIT P6. TRUE COPY OF THE JUDGMENT IN WPC O.11173/2012. EXHIBIT P7. TRUE COPY OF THE ORDER NO.160/12 DATED 17 7/2012. EXHIBIT P8. TRUE COPY OF THE JUDGMENT IN WPC NO.1797/2012. EXHIBIT P9. TRUE COPY OF THE NO.106/2012 DATED 15 12/2012. EXHIBIT P10. TRUE COPY OF THE APPEAL FILED BEFORE THE 1ST RESPONDENT. EXHIBIT P11. TRUE COPY OF POWER OF ATTORNEY DATED 12 11/2012. RESPONDENTS' EXHIBITS NIL JJ /TRUE COPY/ P.S.TO JUDGE K. SURENDRA MOHAN, J.

----- W.P(C) NO:

773. OF 201.----- Dated this the 8th January, 2013. JUDGMENT The dispute in this case concerns the demolition of a septic tank constructed by the petitioner. As per Ext.P9 the petitioner has been directed to demolish the septic tank. Aggrieved by Ext.P9, the petitioner has challenged the same by filing Ext.P10 appeal to the first respondent. The petitioner apprehends that Ext.P9 order would be implemented even before Ext.P10 appeal is heard and finally disposed of. Therefore, the petitioner seeks the issue of appropriate directions for the expeditious disposal of Ext.P10 and for a direction not to implement Ext.P9 in the meantime.

2. I have heard the learned Govt. Pleader also. Since the relief sought for is limited in nature, I am of the view that it is not necessary to admit this writ petition or to issue notice to the other respondents. It is sufficient that Ext.P10 is directed to be considered and disposed of expeditiously.

3. In view of the above this writ petition is disposed of directing the first respondent to consider Ext.P10 appeal preferred by the petitioner in accordance with law and to pass appropriate WPC 773/2013 2 orders thereon, as expeditiously as possible and at any rate within a period of six weeks of the date of production of a copy of this judgment by the petitioner, after hearing all interested parties. Until final orders are passed on Ext.P10, all further proceedings based on or pursuant to Ext.P9 to demolish the petitioner's septic tank shall be kept in abeyance. Sd/- K. SURENDRA MOHAN Judge jj /True copy/ P.S.to Judge WPC 773/2013 3

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