

Sumathi vs State of Kerala

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Court : Kerala

Decided On : Oct-18-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : WP(C)/2340/2023

Appellant : Sumathi

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS WEDNESDAY, THE 18TH DAY OF OCTOBER 2023 / 26TH ASWINA, 1945 WP(C) NO. 2340 OF 2023 PETITIONER: SUMATHI AGED 79 YEARS THUNDIL KIZHAKKATHIL, VAIDYASALA NAGAR-394, ASRAMAM PO, KOLLAM., PIN - 691002 BY ADVS. C.R.JAYAKUMAR NOBEL RAJU RAJ CAROLIN V. RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, DEPARTMENT OF LOCAL SELF GOVERNMENT, GOVERNMENT SECRETARIATE, THIRUVANANTHAPURAM., PIN - 695001

2 THE SECRETARY KOLLAM MUNICIPAL CORPORATION,
CHINNAKADA PO, KOLLAM., PIN - 691001 3 SAIRABANU AGED 50
YEARS D/O CHITRA DEVI, CHANDRALAYAM HOUSE, -:2:-
VAIDYASALA NAGAR-393, ASRAMAM PO, KOLLAM., PIN - 691002 BY
ADVS. PUBLIC PROSECUTOR G.VIDYA OTHER PRESENT:
SHEEBA.G GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL)
HAVING COME UP FOR ADMISSION ON 18.10.2023, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: -:3:-

BECHU KURIAN THOMAS, J.

----- Dated this the
18th day of October, 2023

JUDGMENT

Petitioner alleges that, 3rd respondent has constructed a toilet illegally, near the boundary of petitioner's property. A complaint was submitted before the 2nd respondent, copy of which is produced as Ext.P2. The limited relief sought for by the petitioner is for a direction to dispose of the said complaint.

2. Having heard Sri. C.R.Jayakumar, the learned counsel for the

petitioner, the learned Standing Counsel for the 2 nd respondent Corporation as well as Smt. G.Vidya, the learned counsel for the 3 rd respondent, I am of the view that, this writ petition can be disposed of with a direction.

3. Since the complaint filed on 10.11.2021 (Ext.P2), is pending

consideration, there will be a direction to the 2 nd respondent or a competent officer under the said respondent to consider and pass appropriate orders on Ext.P2, as expeditiously as possible, at any rate within a period of 60 days from the date of receipt of a copy of this judgment, after granting an opportunity of hearing to the petitioner as -:4:- well as the 3rd respondent. Petitioner shall produce a copy of the writ petition along with the certified copy of the judgment for the benefit of the 2nd respondent. Writ petition is disposed of as above. Sd/-

BECHU KURIAN THOMAS JUDGE Jka/18.10.23. -:5:- APPENDIX OF WP(C) 2340/2023 PETITIONERS EXHIBITS Exhibit P1 TRUE PHOTOGRAPH OF THE ILLEGAL BATHROOM CONSTRUCTED OVER THE COMPOUND WALL. Exhibit P2 TRUE COPY OF THE REPRESENTATION DATED RESPONDENT. Exhibit P3 TRUE COPY OF THE RECEIPT VIDES NO. 41026 DATED 10/11/2021 ISSUED BY THE 2ND RESPONDENT. Exhibit P4 TRUE COPY OF THE APPLICATION DATED Exhibit P5 TRUE COPY OF THE RECEIPT VIDES NO.25949 DATED 4/7/2022 ISSUED BY THE 2ND RESPONDENT EVIDENCING THE ACCEPTANCE OF EXHIBIT P4.

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