



GOVERNMENT OF KERALA

Abstract

Local Self Government Department- Judgment in WP(C) No.20199/2011 filed by Smt. Anitha Patwari, W/o S. K. Patwari - GulabVattika House No.2094 F, SRM Road Pachalam P.O. Kochi.- Compliance of Court directions - Orders Issued.

LOCAL SELF GOVERNMENT (R B) DEPARTMENT

G.O.(R) No.3024 /2011/LSGD Dated, Thiruvananthapuram,19.12.2011

- Read:-1.Representation dated 15.10.11 put in by Smt. Anitha Patwari, W/o S.K. Patwari , GulabVattika House No.2094 F, SRM Road Pachalam P.O. Kochi
2. Judgment dated 19.10.2011 in WP(C) No. 20199/11 filed Anitha Patwari and another.

ORDER

The Hon'ble High Court in judgment dated 19.10.2011 in WP(C) No. 20199/11/ filed by Smt. Anitha Patwari, W/o S.K. Patwari - GulabVattika House No.2094 F, SRM Road Pachalam P.O. Kochi and another had directed the Government (4th Respondent) to consider and pass appropriate orders on Exhibit P 9 petition within a period of two months from the date of receipt of a copy of judgment after affording an opportunity of being heard to the petitioner.

2. In the Exhibit P9 representation dated 15.10.2011 the Petitioner has requested to regularise the construction of the building as per section 407 of Kerala Municipality Act. As per the Building permit dated 6.1.2009 from Corporation of Kochi petitioner

had completed the construction and approached the Corporation Authority for completion certificate and building number. Instead of assigning building number Corporation of Kochi has issued a notice under section 406 (1) of Kerala Municipality Act. Against this the petitioner had submitted the Exhibit P9 representation to government.

3. The petitioner was heard in accordance with the direction of the Hon'ble High Court in the presence of Senior Town Planner (Vigilance). Government have examined the matter in detail and found that the Unauthorised Construction amounting to a projection of sunshade slab, to about one meter, instead of 0.75 m comes within the regularisation criteria of the Kerala Building (Regularisation of Unauthorised Construction) Rules, 2010. The extra projection of sunshade by 0.25 m towards the 3.m. open space is not considerable.

4. In the circumstances Government are pleased to direct the Secretary, Cochin Corporation to regularise the Unauthorised Construction amounting to the extra projection of slab by about 0.25 m, under the above considerations.

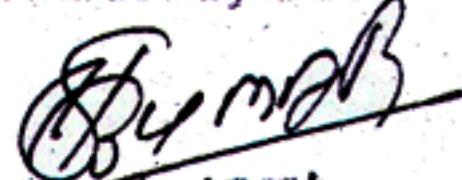
5 The directions contained in the Judgment read above are complied with accordingly.

(By Order of the Governor)
Rajesh Kumar Singh
Secretary to Government

To

Smt. Anitha Patwari,
W/o S . K Patwari, Gulab Vattika, House No. 2094 F, SRM Road,
Pachalan.P O.
Smt. Gulab Devi Jain
W/o S .K Jain Gulab Vattika, House No. 2094 F, SRM Road,
Pachalan. P O.
The Secretary, Corporation of Kochi.
The Advocate General, Kerala , Ernakulam (With C/L)
Stock file/ Office Copy.

Forwarded by order


Section Officer.