

GOVERNMENT OF KERALA

Abstract

Local Self Government Department—Judgment in WP(C) No 22942/15 filed by Moran Mor Baselios Marthoma Paulose II, Catholicos Cum Malankara Metropolitan, Devalokam Aramana, Kottayam—Compliance of Court direction—Orders Issued

LOCAL SELF GOVERNMENT (RB) DEPARTMENT

G.O.(Rt) No 3961/2015/LSGD

Dated, Thiruvananthapuram 31/12/2015

- Read :-
1. GO(MS) No 150/14/LSGD dated 21/08/2014
 2. Application dated 4/11/2014 submitted by Moran Mor Baselios Marthoma Paulose II under the Kerala Panchayath Building (Regularisation of Unauthorised Construction) Rules, 2014 (Exhibit P3)
 3. Judgment dated 30/07/2015 in WP(C) No 22942/15 filed by Moran Mor Baselios Marthoma Paulose II
 4. Letter number c1/9468/2015/Kdis(R) dated 25/11/2015 of the Chief Town Planner, Thiruvananthapuram.

ORDER

The Hon'ble High Court in its Judgment read as 3rd paper above has directed the 2nd respondent (Senior Town Planner, Ernakulam) to forward Ext.P3 application with recommendation to the 3rd respondent (Chief Town Planner, Thiruvananthapuram) within a period of one month; and on receipt of the same, the 3rd respondent shall forward the same to the 4th respondent (Government) within a period of two weeks thereafter in accordance with law to facilitate the Government to take a final decision without further delay.

2. Exhibit P3 read as 2nd paper above is the application for regularisation under GO(MS) No 150/14/LSGD dated 21/08/2014 of the petitioner requesting to regularise the construction comprised in Sy.NOs.328/7B and 329/2B of Thirumaradi Village in Thirumaradi Grama Panchayat. As per the letter read as 4th paper above Chief Town Planner, Thiruvananthapuram has forwarded the regularisation application with technical recommendation to Government.

3. Government have examined the application for regularisation in exercise of the powers conferred under rule 5(6) of Kerala Panchayath Building (Regularisation of Unauthorised Construction) Rules, 2014 and are pleased to accord sanction to the Secretary, Thirumaradi Grama panchayat to regularise the unauthorised construction of the Church building comprised in Sy.NOs.328/7B and 329/2B of Thirumaradi Village in Thirumaradi Grama Panchayat carried out by Moran Mor Baselios Marthoma Paulose II, Catholicos Cum Malankara Metropolitan, Devalokam Aramana, Kottayam subject to the following conditions.

- a. The Secretary shall ensure that facilities for persons with disabilities as per rule 104 and 84 are satisfied before regularising the building.
- b. No Objection Certificate shall be obtained from District Collector for utilizing the building as a place of worship and for other religious ceremonies.
- c. The Judgment in WP(C) No 26472/12 are complied with before regularising the building.
- d. The compounding fee for the building is ₹ 28030/- (rupees Twenty eight thousand and thirty only). It should be remitted in the Government treasury under the head of account "0515 Other rural Development Programmes-800 Other receipts-92 Compounding fee for regularisation of unauthorised constructions violating provision of building rules."

4. The amount mentioned above should be remitted in the Government treasury within a period of 30 days from the date of this order and the original chalan receipt shall be produced before the Secretary, Thirumaradi Grama Panchayat who in turn will take further action for regularisation of the construction as required under the Kerala Panchayath Building (Regularisation of Unauthorised Construction) Rules, 2014.

5. Before issuing the occupancy certificate the Secretary, Thirumaradi Grama Panchayat will ensure that the conditions stipulated in para 3 of this order are complied.

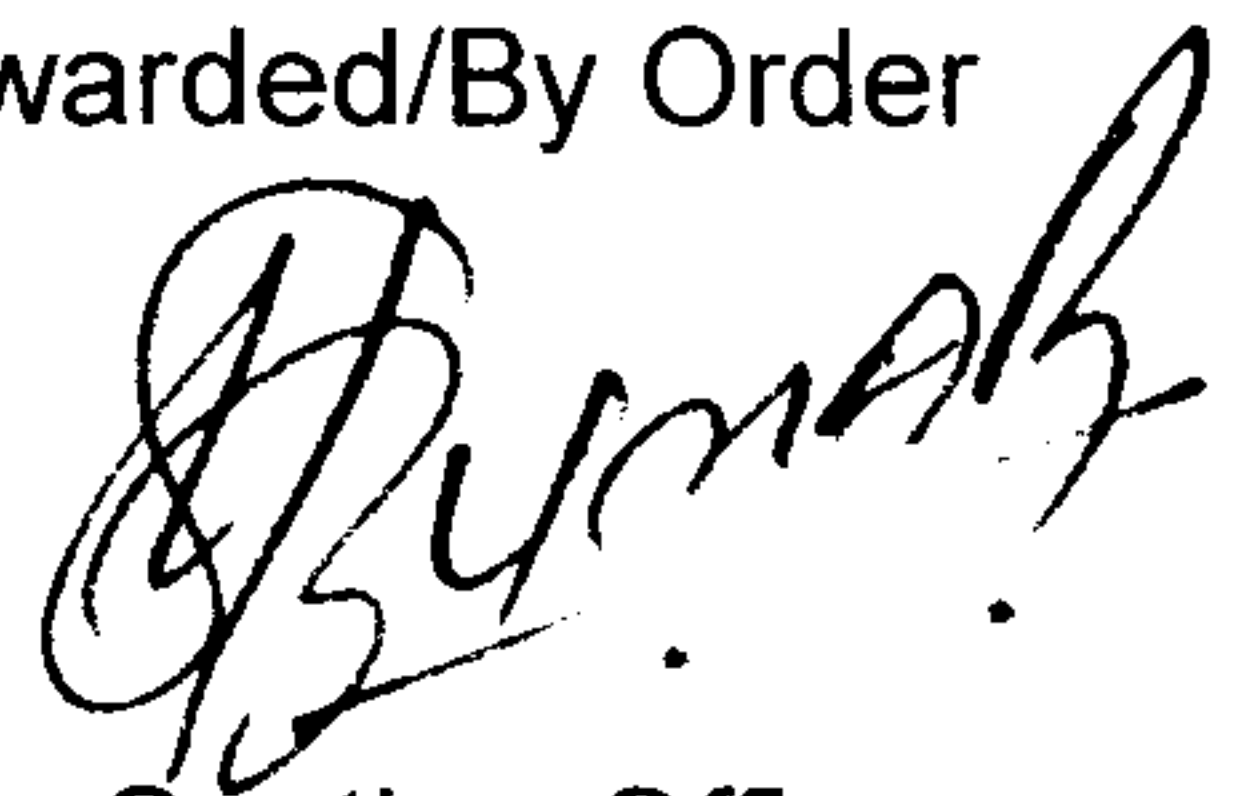
6. The directions contained in the Judgment read above are thus complied with.

By Order of the Governor
Madhu. B
Joint Secretary to Government

To

- Moran Mor Baselios Marthoma Paulose II,
Catholicos Cum Malankara Metropolitan, Devalokam Aramana,
Devalokam PO Kottayam,
The Secretary, Thirumaradi Grama Panchayat, Ernakulam
The Chief Town Planner, Thiruvananthapuram.
- The Senior Town Planner, Ernakulam
 - ✓ The Executive Director, Information Kerala Mission, Thiruvananthapuram
- Stock file / Office Copy.

Forwarded/By Order


Section Officer