

GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Judgment of the Hon'ble High Court in WP(C)No.14255/16 filed by Shri.Biji Francis, Padayatti House, Parappuram Junction Kuzhur, P.O. Thrissur Compliance of Court direction - Orders issued--

LOCAL SELF GOVERNMENT (RB) DEPARTMENT

G.O.(Rt) No. 1853/2016/LSGD Dated, Thiruvananthapuram, 04/06/2016.

Read:- 1) Judgment of the Hon'ble High Court dated 8.4.16 in
WP(C)No.14255/16 filed by Shri.Biji Francis
2) Representation dated 24.3.2016 submitted by Shri.Biji Francis.

ORDER

The Hon'ble High Court in its Judgment read as 1st paper above, has directed the Government (1st respondent) to consider Exhibit P11 representation within a period two months from the date of receipt of copy of this Judgment after issuing notice to the Petitioner.

2. The Exhibit P11; representation of the petitioner received in Government on 4.4.16, which was endorsed to the Chief Town Planner Thiruvananthapuram, for furnishing detailed report on 7.4.16. In the Exhibit P11 representation, the petitioner had requested to grant lay out approval for the construction of LPG godown in Re Sy No. 275/1 of Kakkulisseri village in Chalakkudy Taluk, Thrissur.

3. As a part of the compliance of the judgment, the petitioner was heard on 05.05.16. The Chief Town Planner, and the Secretary Kizhur Grama Panchayath were present in the hearing. In the hearing the petitioner submitted that in order to satisfy the rule 61(4) of Kerala Panchayath Building Rules, a lease agreement registered with the owners of the adjacent property for a period of 15 years vide document No.391/1/16 dated 5.2.16. Hence the petitioner has stated that rule 61(4) of Kerala Panchayath Building Rules will be satisfied. Therefore he has requested to grant layout approval for the LPG godown.

4. The Chief Town Planner has informed that the petitioner's proposed building comes under the Group I hazardous occupancy. As per rule 61(4) of Kerala Panchayath Building Rules, the minimum clear width of access to a building as well as the width of street giving access to the plot from the main street shall be 7 meters. The available width of street giving access to the building is only 3.5 m to 3.98 Meters. The Chief Town Planner also reported that in order to cover the access width, a lease agreement had been registered with the owners of adjacent property. As per the existing rules there is no provision to consider the lease agreement.

5. Government have examined the matter in detail and found that as per the existing rules, there is no provision to grant layout approval based on the lease agreement registered for covering the violation of Rule 61(4) of KPBR. The lease agreement registered can be revoked at any time before the expiry of the lease period. But once the occupancy certificate issued after the completion of the construction it has no expiry period. Hence the Exhibit P11 representation read as 2nd paper above is rejected.

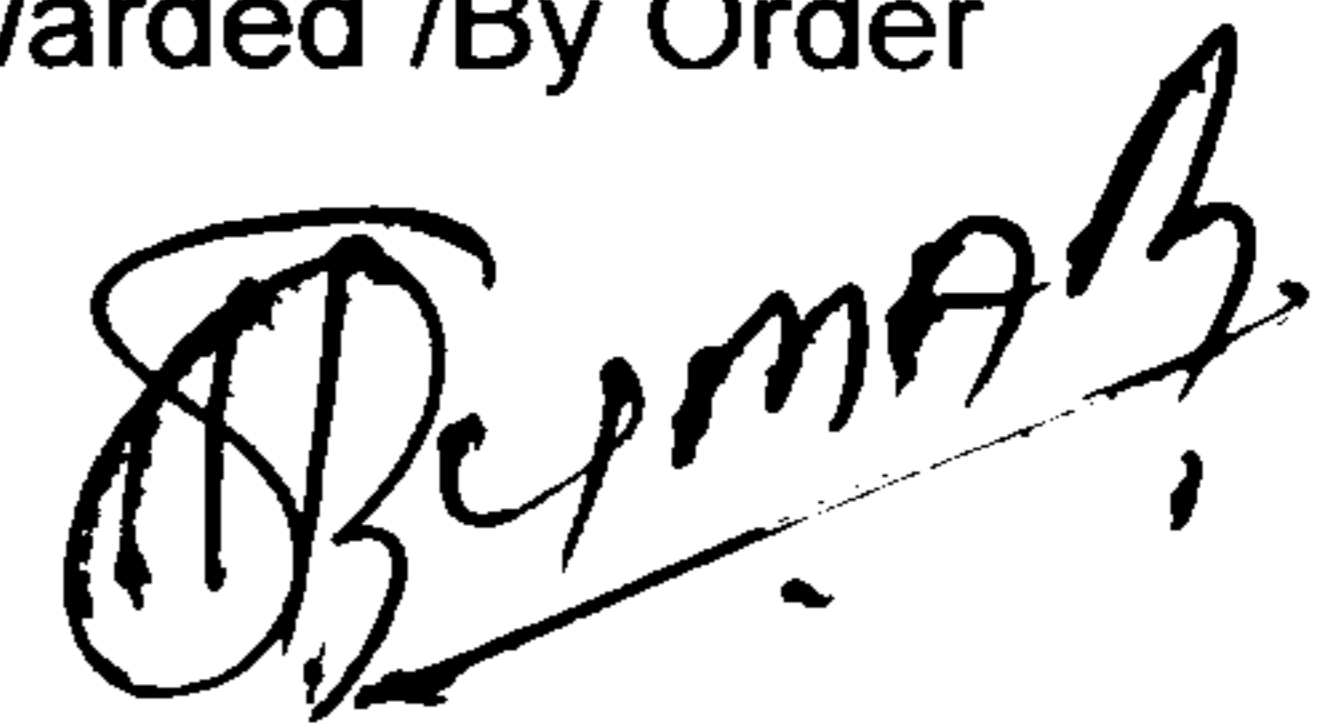
6) The directions contained in the Judgment read above are thus complied with

By Order of the Governor
P.I. SHEIK PAREETH
Special Secretary to Government.

To

Shri.Biji Francis ,Padayatti House, Parappuram Junction
Kuzhur,P.O.Thrissur
The Advocate General, Kerala, Ernakulam.(with C/L)
Chief Town Planner, Thiruvananthapuram,
The Secretary, Kizhur Grama Panchayath.
Executive Director, Information Kerala Mission,
Thiruvananthapuram
Stock file / Office Copy.

Forwarded /By Order



Section Officer