



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Judgment in W.P. (C) No.2532/2018 filed by Sri.Subha Prasad and another - Complied with - Orders issued.

LOCAL DEPARTMENT

G.O.(Rt)No.2926/2018/LSGD Dated,Thiruvananthapuram, 15/11/2018

- 1 Representation dated 18/4/2018 from Sri.Subha Prasad .
Read
- 2 Judgment in W.P.(C)No.2532/18 dated 30/5/18.
- 3 Letter No.C2-7057/2018 dated 31/7/2018 from Chief Town Planner, Thiruvananthapuram

ORDER

The Hon'ble High Court of Kerala ,as per its order read as 2nd paper above, have disposed of the W.P.(C)No.2532/18 filed by Sri.Subha Prasad and another, directing the additional 5th respondent ie., Secretary, Local Self Government Department to consider and pass orders on Expt. P7 application, read as 1st paper above , within three months from the date of receipt of a copy of the judgement, after hearing the petitioner.

2)Sri.Subha Prasad had approached Thrissur Corporation for a commercial building permit and the application was not considered by the corporation on the ground that the area of the proposed commercial building fell within 'residential zone' as per the Town Planning Scheme -West ring road area- prepared for the region. After that the petitioner submitted an application to Government.(Expt. P7)

3) In compliance with the Judgement, the petitioner was heard in person. At the time of hearing both petitioner and corporation reiterated their contention. The Chief Town Planner in his letter read as 3rd paper reported that as the surrounding area of proposed plot is already developed with commercial building, the proposed construction of the commercial building in the plot does not adversely affect the development of this area and also it is in conformity

with Kerala Municipality Building Rule, 1999, recommended for dispensation from zoning regulation of DTP Scheme for West ring road area as per GO(Ms)No.306/2015/LSGD dated 29/9/2015.

4)Hon'ble High Court in its verdict dated 7/11/2005 in O.P.No.8740/1997 has directed that no individual exemption from approved Master Plan/DTP Scheme can be granted. As per Kerala Town and Country Planning Act, 2016 Section 50(3) Government may, if it deems necessary, at any time, by notification in the Gazette vary a plan sanctioned under the Act.

5)Government have examined all the aspects of the case in detail. In view of the High Court verdict that individual exemption from approved Master Plan/DTP Scheme can not be granted, the request of the petitioner is here by declined. But based on the report of Chief Town Planner that the surrounding areas are developed with commercial building and the proposed construction will not adversely affect the development of the area, the Chief Town Planner is directed to submit a proposal for granting general exemption from zoning regulations of the DTP Scheme ,in accordance with the provisions of Kerala Town and Country Planning Act Section 50(3).

6)The order of Hon'ble High Court of Kerala in W.P. (C)No.2532/18,read as 2nd paper above, is thus complied with.

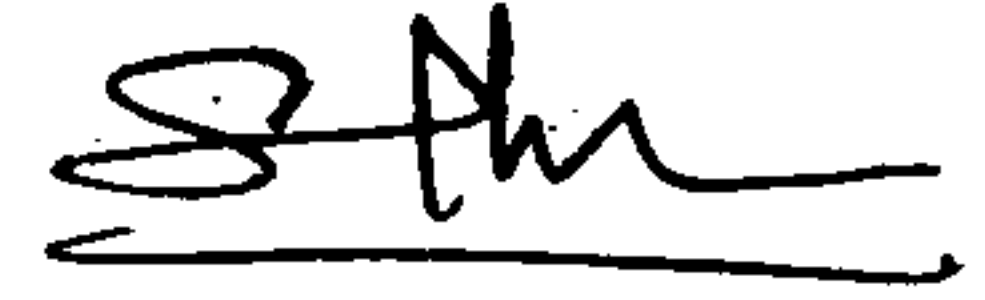
(By order of the Governor)
MADEENA BEEGAM.A
UNDER SECRETARY

To:

- 1.Subha Prasad and another
Chulliyil(H)
Vattamkulam.P.O
Malappuram.Dt.-679 578
2. The Advocate General(with C/L)
- 3.The Chief Town Planner,Thiruvananthapuram
- 4.The director of Urban Affairs,Thiruvananthapuram
- 5.The Secretary,Thrissur Coroporation
6. ✓ The Executive Director,Information Kerala Mission

-7.Stock file/Office copy.

Forwarded /By order

A handwritten signature in black ink, appearing to be 'S. M.', written over a horizontal line.

Section Officer