

BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION, THIRUVANANTHAPURAM

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 14th December, 2007.

H.R.M.P.No.762/07

Petitioner : G.K./Mohanakumar,
G.K.Bhavan, T C 42/462 (2),
Vallakkadavu.P.O,
Thiruvananthapuram – 695 005

Respondent :

ORDER

The petitioner is present. The complaint of the petitioner is that in spite of his making a complaint to the City Corporation, Thiruvananthapuram on 4-11-2006 to remove an illegal construction made by the respondent Syamkumar he did not remove the said construction in spite of notice given by the Corporation and that he was informed by the Secretary of the Thiruvananthapuram Corporation that a hearing will be conducted and that no action was taken so far.

Reports were called for from the Revenue Divisional Officer (RDO), Thiruvananthapuram and Secretary, City Corporation, Thiruvananthapuram and the said reports were obtained. On going through the reports it could be seen that the Inspector of the Building Squad attached to the Corporation inspected the disputed site on 22-11-06 and on 20-12-2006 and issued notice to demolish the illegal construction. It could also be seen that on 3-1-2007 and again on 15-3-2007 hearings were conducted on the basis of the report of the Building Inspector after the site inspection. At the hearing it was decided that the respondent should demolish the unauthorized construction within 15

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days but on 3-4-2007 the respondent gave a reply on account of which the Asst. Town Planner and the Building Inspector conducted a joint inspection on 12-6-2007 and found that the respondent violated Rule 62 (2) (3) of KMBR 99. Accordingly notice was issued to demolish it within seven days on receipt of the notice.

The report of the Corporation further states that if the respondent does not comply with the above order of the Corporation necessary steps will be taken to demolish the unauthorized construction. The petitioner submits that the unauthorized construction is still in existence and no action was taken by the Corporation.

In view of the above reports of RDO, Thiruvananthapuram and Secretary, Thiruvananthapuram Corporation it is clear that the unauthorized construction is still in existence and the same has not been removed as per the above order. Therefore I direct the Corporation to take immediate steps to remove the unauthorized construction as per the decision taken and notice issued within two weeks from the date of receipt of this order if there is no impediment for him to do so under law.

The petition is closed.

Justice N.Dhinakar,
Chairperson.