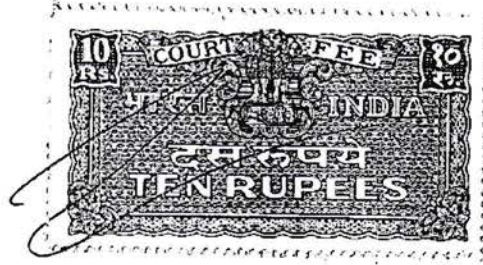


Req with A/D.  
വിവരവാകാശ നിയമം 2005

പ്രേഷിതൻ.  
ജാഫർ(പൊതുപ്രവർത്തകൻ)  
കാളംകുളത്ത്  
വാണിമേൽ പി ഒ  
കോഴിക്കോട് ജില്ല-673506



സ്വീകർത്താവ്,  
സ്റ്റേറ്റ് പബ്ലിക് ഇൻഫർമേഷൻ ഓഫീസർ,  
ചീഫ് ടൗൺ പ്ലാനറുടെ കാര്യാലയം  
തിരുവനന്തപുരം. 33

ആവശ്യപ്പെടുന്ന വിവരങ്ങളുടെ വിശദാംശങ്ങൾ:-ബഹു:കേരളാ ഹൈക്കോടതി WP(C)19347 കേസിൽ ടൗൺ പ്ലാനർ ദുർഗ്ഗ ജെ എസ് ഒപ്പ് വെച്ച് സമർപ്പിച്ച കൗണ്ടർ അഫ്ഡവിറ്റിലെ താഴെ പറയുന്ന വിവരങ്ങൾ.

(കൗണ്ടർ അഫ്ഡവിറ്റ് ഇതൊന്നിച്ച് ഹാജരാക്കുന്നു)

1-മേൽ അഫ്ഡവിറ്റിൽ സൂചിപ്പിച്ച ലെറ്റർ നമ്പർ:C1-1971/2016 തിയ്യതി 15-10-16 ന്റെ സാക്ഷ്യപ്പെടുത്തിയ ശരിപ്പകർപ്പുകൾ.

2-മേൽ അഫ്ഡവിറ്റിൽ സൂചിപ്പിച്ച ലെറ്റർ നമ്പർ:D1-9571/2016 തിയ്യതി 08-11-16 ന്റെ സാക്ഷ്യപ്പെടുത്തിയ ശരിപ്പകർപ്പുകൾ.

3-മേൽ അഫ്ഡവിറ്റിൽ സൂചിപ്പിച്ച ലെറ്റർ നമ്പർ: C1-2849/16 തിയ്യതി 28-12-16 ന്റെ സാക്ഷ്യപ്പെടുത്തിയ ശരിപ്പകർപ്പുകൾ.

4-മേൽ അഫ്ഡവിറ്റിൽ സൂചിപ്പിച്ച ഓർഡർ നമ്പർ: D1-9571/16 D.Dis തിയ്യതി 25-01-2017 ന്റെ സാക്ഷ്യപ്പെടുത്തിയ ശരിപ്പകർപ്പുകൾ.

5-മേൽ അഫ്ഡവിറ്റിൽ സൂചിപ്പിച്ച സർക്കുലർ നമ്പർ: 130/RA1/2016/LSGD തിയ്യതി 19-4-2016 ന്റെ സാക്ഷ്യപ്പെടുത്തിയ ശരിപ്പകർപ്പുകൾ.

6-മേൽ അഫ്ഡവിറ്റിൽ സൂചിപ്പിച്ച സർക്കുലർ നമ്പർ: 994733/RA1/2016/LSGD തിയ്യതി 22-12-2016 ന്റെ സാക്ഷ്യപ്പെടുത്തിയ ശരിപ്പകർപ്പുകൾ.

7-മേൽ അഫ്ഡവിറ്റിൽ സൂചിപ്പിച്ച സർക്കുലർ നമ്പർ: 46848/P1/2016/Revenue

E  
22/11/17

Copy to Advocate  
Adv. Asif K. H  
Adv. PB. Venkateshwar

Usha

BEFORE THE HONOURABLE HIGH COURT OF KERALA  
AT ERNAKULAM

W.P(C) No. 19347 of 2018

Jaffar

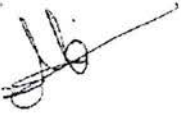
: Petitioner

Vs.

State of Kerala & Others

: Respondents

COUNTER AFFIDAVIT FILED BY THE 4<sup>TH</sup> RESPONDENT

  
MANURAJ . K. J.  
GOVERNMENT PLEADER

BEFORE THE HONOURABLE HIGH COURT OF KERALA  
AT ERNAKULAM

W.P(C) No. 19347 of 2018

Jaffar : Petitioner  
Vs.  
State of Kerala & Others : Respondents

COUNTER AFFIDAVIT FILED BY THE 4<sup>TH</sup> RESPONDENT

I, Girija K S, aged 53 years, D/o. V Sahadevan, residing at Thiruvananthapuram, do hereby solemnly affirm and state as follows:-

1. I am the Chief Town Planner, Office of the Chief Town Planner, Swaraj Bhavan, Thiruvananthapuram and 4<sup>th</sup> respondent in this writ petition. I am conversant with the facts of the case as disclosed from the relevant records. All the allegations and averments contained in the writ petition and the grounds raised therein, except those are specifically admitted hereunder are denied.

2. It is respectfully submitted that allegations and averments contained in the complaint are not pertaining to 4<sup>th</sup> respondent, Chief Town Planner. However, the following details pertaining to the application for usage of plot and layout of buildings for construction of a thirteen storied convention centre cum hotel complex building by the 7<sup>th</sup> respondent M/s Lulu Convention Center are submitted.

3. An application for construction of a thirteen storied convention centre cum hotel complex building (Total built up area 29572.88sqm)

Valayanadu village in Kozhikode Taluk coming in Kozhikode Corporation area by Sri. Packer Koya P P for the 7th respondent M/s Lulu Convention Center was forwarded by the Secretary, Kozhikode Corporation vide letter no. TP6/231/16 dated 9.09.2016 to the office of the Town Planner, Kozhikode. The Town Planner, Kozhikode forwarded the application the office of the Chief Town Planner for approval for usage of plot and lay out of buildings, vide letter no. C1-1971/16 dated 15.10.2016. Since on scrutiny of this application in this office, violation/discrepancies were observed in ownership of the property, access to building, fire escape staircase, open space for Sewage Treatment Plant and location of plot with reference to the road in the application, the same was returned to Kozhikode Corporation (vide letter no. D1/9571/2016 dated 8.11.2016) for rectifying the defects. Accordingly, the Town Planner, Kozhikode forwarded the revised application received from Kozhikode Corporation to this office vide letter no. C1/2849/2016 dated 28.12.2016. The application was scrutinized in this office for conformity with the provisions of Kerala Municipality Building Rules 1999. Since the defects were rectified and the application (Buildings with total built-up area 24301.44sqm & Floor area 21607.71sqm) is in conformity with the provisions of Kerala Municipality Building Rules 1999, Chief Town Planner granted approval for layout of buildings and usage of plot for the construction vide order No. D1/9571/2016/ D.Dis dated 25.01.2017 subject to 16 conditions (copy enclosed). It is insisted as 1st condition that, the building permit/occupancy of the building shall be issued only after obtaining requisite permission/NOCs and 6th condition was that the proposed construction/development in the site shall be in accordance with the Kerala Wet land and Paddy land Act 2008 & related circulars and Kerala Land Utilisation Order 1967, if applicable at this site. Further it was insisted as the 10th condition that building permit shall be issued only after ensuring that the proposed building is permissible at this location by examining the concerned documents regarding the type of land, right to construct the building, ownership of the land as per the Government circulars no. 130/RA1/2016/LSGD dated 19.04.2016, no. 994733/RA1/2016/LSGD dated 22.12.2016 and no. 46848/P1/16/Revenue dated 2.12.2016. Chief Town Planner has approved layout and usage of plot after verifying that the proposed construction is in accordance with the provisions of the Kerala Municipality Building Rules 1999.

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In the above circumstances it is submitted that the above Writ Petition is devoid of merits and liable to be dismissed with costs to the respondents.

All the facts stated above are true to the best of my knowledge, belief and information.

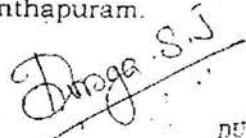
Dated this the 1<sup>st</sup> day of November, 2018.

~~DEPONENT~~

Solemnly affirmed and signed before me by the deponent whom I know on this the 1<sup>st</sup> day of November, 2018 at the Office of the Chief Town Planner, Thiruvananthapuram.



MANU RAJ K J  
GOVERNMENT PLEADER.



DURGA S J  
Town Planner  
Office of the Chief Town Planner  
Thiruvananthapuram - 33

