

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

Con.Case(C).No. 1514 of 2015 (S)

AGAINST THE JUDGMENT IN W.P.(C).NO.33065 OF 2014, DATED 20.12.2014

PETITIONER(S)/PETITIONER :

**SUDHEESH T.S., AGED 35 YEARS,
S/O.SUKUMARAN, THANDASSERY HOUSE, ANANDAPURAM P.O.,
NELLAYI, THRISSUR.**

**BY ADVS.SRI.BRIJESH MOHAN
SMT.RESMI G. NAIR**

RESPONDENT(S)/RESPONDENT :

**SRI.PADMANABHAN,
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER,
SECRETARY, PARAPPUKARA GRAMA PANCHAYAT,
NANTHIKKARA P.O., THRISSUR DISTRICT- 680 301.**

BY ADV. SRI.P.RAMAKRISHNAN

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 06-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

Con.Case(C).No. 1514 of 2015 (S)

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: CERTIFIED COPY OF JUDGMENT DATED 20.12.2014 IN
W.P.(C).NO.33065/2014 OF THIS HON'BLE COURT.**

**ANNEXURE B: COPY OF THE ORDER NO.A4-7637/2014 DATED 31.08.2015
ISSUED BY THE RESPONDENT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

K. SURENDRA MOHAN, J.

Cont. Case No.1514 OF 2015

Dated this the 6th November, 2015.

JUDGMENT

The petitioner has filed this contempt case seeking initiation of action against the respondent for violation of the direction of this Court contained in Annexure A judgment. As per Annexure A judgment, it was found that the grounds on which the petitioner's application for building permit had been rejected were unsustainable for the reason that the circular on which reliance was placed had no application to lands that had ceased to be paddy fields as on the date of coming into force of Act 28 of 2008. Accordingly, Ext.P8 order in the writ petition was set aside and the application for building permit submitted by the petitioner was directed to be considered afresh, in accordance with law. Accordingly, the

application of the petitioner has been considered and rejected by Annexure B proceedings.

2. According to Adv.Resmi G.Nair who appears for the petitioner Annexure B order contains objections that were not raised in the earlier order passed by the respondent. It is therefore contended that, the direction of this Court has not been complied with.

3. Adv. P.Ramakrishnan appears for the respondent. According to the respondent, with respect to the property of the petitioner a large number of defects were noted. It was found that the building that is proposed to be constructed does not satisfy the provisions of the Kerala Panchayat Building Rules that are applicable. Therefore, it is contended that Annexure B has been passed in accordance with the directions contained in annexure A.

4. The counsel for the petitioner disputes the submissions made on behalf of the respondent by pointing

out that, the defects noted in Annexure B do not exist and that, the proposed construction is in accordance with the building rules.

5. Having considered the submissions made by the respective counsel, I am not satisfied that there are any grounds to proceed against the respondent, for violation of the direction of this Court. The direction of this Court was to consider the petitioner's application for building permit in accordance with law and to pass appropriate orders thereon, within the time specified in the judgment. In compliance with the direction Annexure B order has been passed. It is true that, the petitioner has objections to the grounds stated in Annexure B for the rejection of his building permit. The said objections would have to be raised in a challenge that has to be made against Annexure B before the appropriate forum.

For the above reasons, I do not find any grounds to entertain this contempt case or to proceed further in this

matter. This contempt case is accordingly closed.

Sd/-
K. SURENDRA MOHAN
Judge

jj

/True copy/

P.S.to Judge

