

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

RP.No. 68 of 2015 () IN WP(C).31559/2014

AGAINST THE JUDGMENT IN WP(C) 31559/2014 of HIGH COURT OF KERALA
DATED 07-01-2015

REVIEW PETITIONER/PETITIONER:

ABDUL RAHMAN, AGED 52 YEARS,
S/O. MOIDY, VADAKKE KANIYANDI,
ELANKAMAL, KAVIL POST,
KOZHIKODE DISTRICT - 673 614.

BY ADVS.SRI.K.P.SUDHEER
SRI.ARUN MATHEW VADAKKAN

RESPONDENTS/RESPONDENTS:

1. NADUVANNUR GRAMA PANCHAYATH,
POST NADUVANNUR,
PIN - 673 614, KOZHIKODE,
REPRESENTED BY IT SECRETARY.
2. THE LOCAL LEVEL MONITORING COMMITTEE,
NADUVANNUR GRAMA PANCHAYATH,
REPRESENTED BY ITS CONVENOR,
(THE AGRICULTURAL OFFICER),
KRISHI BHAVAN, NADUVANNUR,
KOZHIKODE DISTRICT - 673 614.
3. THE REVENUE DIVISIONAL OFFICER,
KOZHIKODE - 673 020.

R BY SMT. SANJEETHA K.A., GOVERNMENT PLEADER
R BY SRI.R.SUDHISH

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
23-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DAMA SESHADRI NAIDU, J.

R.P. No. 68 of 2015
in
W.P. (C) No. 31559 of 2014

Dated this the 23rd day of January, 2015.

ORDER

Earlier, this Court through a judgment dated 07.01.2015 disposed of W.P.(C) No. 31559 of 2014 directing the first respondent to consider the petitioner's application for building permission afresh, if necessary by referring the matter to the District Town Planner and thereafter pass appropriate orders thereon, as expeditiously as possible.

2. Presently, the petitioner has come up with the review petition seeking modification of the judgment by way of removal of the observation, 'refer the matter to the District Town Planner'.

3. The learned counsel for the petitioner contends that in Ext.P4, it is very clear that the property in question stood exempted from the data bank and once it is not part of the data bank, the question of referring the matter to the District

Town Planner does not arise.

In the facts and circumstances, this review petition is allowed modifying the judgment dated 07.01.2015 in W.P.(C) No. 31559 of 2014 to the extent of removing the observation, 'if necessary, by referring the matter to the District Town Planner', though the very observation was made in permissive terms that it should be done only in case of necessity. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

