

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

RP.No. 772 of 2015 IN WP(C).1518/2015

AGAINST THE JUDGMENT IN WP(C) 1518/2015 of HIGH COURT OF KERALA
DATED 03.07.2015

REVIEW PETITIONER/PETITIONER: -

JEENA JAYAN, W/O.K.V. JAYAN,
AGED 33 YEARS, KUTTIPARAMBIL HOUSE,
MANAKULANGARA P.O , KODAKARA,
THRISSUR DISTRICT.

BY ADVS.SRI.BABU S. NAIR
SMT.SMITHA BABU

RESPONDENTS/RESPONDENTS: -

1. THE PARAPPUKKARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
NANDIKKARA P.O., THRISSUR - 680 301.
2. THE SECRETARY,
THE PARAPOOKARA GRAMA PANCHAYATH,
NANDIKARA P.O., THRISSUR - 680 301.

BY ADV.SRI.P.RAMAKRISHNAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
28-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DMR/-

DAMA SESHADRI NAIDU, J.

R.P. No. 772 of 2015

Dated this the 28th day of September, 2015

ORDER

The petitioner initially filed W.P. (C) No.1518/2015 assailing Exhibit P2, dated 10.12.2014, therein. To elaborate, having obtained Exhibit P1 building permission on 03.09.2008, though constructed an industrial structure, the petitioner could not complete it within three years, the original validity period of the building permit.

2. When the petitioner applied for numbering of the building, the respondent Grama Panchayat rejected it on two grounds: that the petitioner could not complete the construction within three years and that the revenue records reflected the land to be Nilam. Aggrieved, the petitioner has filed W.P. (C) No.1518/2015.

3. This Court disposed of the said writ petition along with a batch of other writ petitions through a common judgment, dated 03.07.2015.

4. Despite the judgment of this Court, the respondent Grama Panchayat, according to the petitioner, has not

assigned the building number. Having been informed by the respondent Grama Panchayat that in the judgment dated 03.07.2015, there is no specific direction that the petitioner's structures be numbered, the petitioner has filed the present Review Petition.

5. A perusal of the judgment dated 03.07.2015 makes it clear that there is a specific observation concerning the structures that have been raised under a valid building permit, notwithstanding the subsequent change in the legal position. In fact, the portion of judgment relevant for our discussion reads as follows:

"4. If any landholder has raised any structures or has been raising any structures under any valid building permit, either on the basis of any judicial directive issued prior to the rendering of *jalaja Dileep* (supra) by the Hon'ble Supreme Court, or based on the building permit issued by the authorities essentially going by the ratio of the judgments of this Court holding the field prior to *jalaja Dileep*, those structures shall not be disturbed."

6. In the light of the above observation of this Court, the learned counsel for the respondent Grama Panchayat, on instructions, has submitted that the Grama Panchayat has no objection to reconsider the petitioner's request for numbering

the building in the light of the fact that he constructed it under a valid building permit granted by the Grama Panchayat.

In the facts and circumstances, in view of the submission made by the learned counsel for the Grama Panchayat, I do not see any need to review the judgment as such. Accordingly, this Court disposes of the Review Petition recording the willingness of the respondent Grama Panchayat to number the building. Needless to observe that the respondent Grama Panchayat may consider and assign the building number as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

DAMA SESHADRI NAIDU
JUDGE

DMR/-