

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WA.No. 1052 of 2015 (E) IN WP(C).15641/2014

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AGAINST THE JUDGMENT IN WP(C) 15641/2014 DATED 18-12-2014  
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APPELLANT(S)/1ST RESPONDENT :-

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THE KANHANGAD MUNICIPALITY  
REPRESENTED BY ITS SECRETARY, KANHANGAD P.O.,  
KASARAGOD DISTRICT.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENT(S)/PETITIONER & 2ND RESPONDENT :-

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1. SURESH KUMAR K.P  
S/O.PUTHIYEDATHU CHERIYA APPU MASTER, EAYYAKKATTU  
VADAKKE THRIKKARIPUR, UDHINOOR P.O.,  
KASARGOD DISTRICT - 671 314.

2. STATE OF KERALA  
REPRESENTED BY THE PRINCIPAL SECRETARY  
DEPARTMENT OF LOCAL SELF GOVERNMENT  
THRIUVANANTHAPURAM - 695 001.

R2 BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL  
R1 BY SRI.SURESH KUMAR KODOTH

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 18-08-  
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &  
A.M. SHAFFIQUE, J.**

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**W.A. No.1052 of 2015**  
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**Dated this the 18<sup>th</sup> day of August 2015**

**J U D G M E N T**

**Shaffique, J.**

The first respondent in W.P.(C) No.15641 of 2014 is the appellant, who challenges the judgment dated 18.12.2014 passed by the learned Single Judge in the above writ petition. The writ petition was filed by the first respondent herein seeking for a direction to the Municipality to grant building permit to the petitioner as sought for in the application filed by him. It is stated that the application of the petitioner for building permit has been rejected on the ground that notification under Sec.4(1) of the Land Acquisition Act, 1894 was pending. The learned Single Judge disposed of the writ petition and issued a direction to the first respondent to consider the application for building permit of the petitioner in accordance with law, finding that notification under Sec.4(1) had already elapsed.

2. Learned counsel for the appellant submits that the land belonging to the writ petitioner is required for the construction of bus stand-cum-shopping complex.

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3. Unless the land is acquired by the Municipality in accordance with the provisions of the Land Acquisition Act, it may not be possible for the Municipality to contend that no building permit will be issued. Learned counsel for the appellant further submitted that they intend to take proceedings under the new Act, Act 30 of 2013. Nothing prevents the Municipality from taking appropriate steps under the Act 30 of 2013.

Under such circumstances, we do not think it necessary to interfere with the judgment of the learned Single Judge. The direction issued by the learned Single Judge is justified. Accordingly, this writ appeal is dismissed. Dismissal of this appeal shall not preclude the right of the appellant to acquire the land in accordance with law.

**Sd/-**  
**ASHOK BHUSHAN**  
**CHIEF JUSTICE**

**Sd/-**  
**A.M. SHAFFIQUE**  
**JUDGE**

//TRUE COPY//

P.A. TO JUDGE