

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WA.No. 1831 of 2014 ()

AGAINST THE JUDGMENT IN WP(C) 19907/2014 DATED 04/08/2014

APPELLANT/PETITIONER :

**KRISHNAMANI, AGED 50,
D/O.DURAIWAMI, VADAKEMADOM HOUSE
KOLAZHY, MULANKUNNATHUKAVU P.O.,
THRISSUR -680 581.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS/RESPONDENTS NOS. 1 AND 2 :

- 1. THE STATE OF KERALA
REP. BY ITS SECRETARY
LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. THE KOLAZHY GRAMA PANCHAYATH
REP. BY ITS SECRETARY, MULANKUNNATHUKAVU P.O.
THRISSUR - 680 581.**

**R1 BY SR. GOVT. PLEADER SRI. P.I. DAVIS
R2 BY ADVS. SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 07-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.A.No.1831 of 2014

Dated this the 7th day of October 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the appellant, learned Government Pleader and the learned Standing counsel appearing for the 2nd respondent.

2. This writ appeal has been filed against the judgment dated 04/08/2014 in W.P.C.No.19907/2014 filed by the appellant challenging Exts.P3 and P4 by which the application of the petitioner for building permit was rejected and a stop memo was issued. When the writ petition was taken for hearing ,the learned Single Judge has noticed that a prayer was made to withdraw the writ petition with liberty to the petitioner to resort to appropriate proceedings, to redress the grievance against Ext.P3 in accordance with law. Recording the said prayer, the writ petition was dismissed as withdrawn without prejudice to the right of the petitioner to move against Ext.P3. We do not find any infirmity in the judgment of the learned Single Judge which may warrant

interference by the appellate court.

3. The learned counsel for the appellant submits that it may be clarified that this judgment shall not preclude the appellant from moving a fresh application for building permit. It is not for this Court at this stage to express any opinion. The learned Single Judge expressed an opinion on the aforesaid submission when the writ petitioner was permitted to withdraw the writ petition. It is open for the petitioner to take such proceedings, as permissible under law.

With this observation, this writ appeal is dismissed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/07/10/2015

