

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 1432 of 2015 (D)

PETITIONER:

VINODKUMAR, AGED 52 YEARS
S/O.V.C.NAIR, "VAISHNAVAM"
VALIYAPARAMBIL ROAD ELAMAKARA, COCHIN-26.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

1. THE STATE OF KERALA,
REP.BY THE SECRETARY TO THE GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT THIRVANANTHAPURAM - 695 001.
2. THE IRIMBILIYAM GRAMA PANCHAYATH,
REP.BY ITS SECRETARY, VALIAKUNNU POST,
MALAPPURAM DISTRICT 676 552

R2 BY ADV. SRI.T.K.SAIDALIKUTTY
R2 BY ADV. SRI.T.K.MOIDEEN KUTTY
R BY SMT. C.K. SHERIN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 - A TRUE COPY OF THE COMMUNICATION OF THE VILLAGE OFFICER,
IRIMBILIYAM DATED 14-2-2014 WITH THE TRANSLATION.

EXT.P2 - A TRUE COPY OF THE CONSENT GIVEN TO THE PETITIONER DATED 6-
11-2014 WITH THE TRANSLATION.

EXT.P3 - A TRUE COPY OF THE COMMUNICATION FROM THE OFFICE OF THE
JOINT CHIEF CONTROLLER OF EXPLOSIVES CHENNAI DATED 1-7-2013.

EX.P4 - A TRUE COPY OF THE COMMUNICATION OF THE SECOND RESPONDENT
DATED 27-11-2014 WITH THE TRANSLATION.

EXT.P5 - A TRUE COPY OF THE DATA BANK ENTRY CONCERNING THE PROPERTY
OF THE PETITIONER DATED NIL.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 1432 of 2015 (D)

Dated this the 25th day of February, 2015.

JUDGMENT

In the light of the ratio laid down in Mohammed Abdul Basheer v. State of Kerala (2012 (3) KLT 86), this Court disposes of the writ petition on the same lines applying the ratio laid down by the learned Division Bench in the said decision, thereby setting aside Ext.P4.

Consequently, the 2nd respondent is directed to consider the petitioner's application for building permission afresh, if necessary, by referring the matter to the District Town Planner, after subjecting the land in question to physical verification, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

Sd/- DAMA SESHADRI NAIDU, JUDGE.

