

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 1577 of 2015 (V)

PETITIONER:

T.UDAYAKUMARAN, AGED 51 YEARS,
S/O.K THANKAPPAN, MOETA HOUSE, AYALLOOR P.O.,
PALAKKAD-678 510

BY ADV. SRI.U.BALAGANGADHARAN

RESPONDENTS:

1. STATE OF KERALA,
REP BY ITS SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM-695 001
2. THE DIRECTOR OF URBAN AFFAIRS,
THIRUVANANTHAPURAM-695 001
3. THE SECRETARY
PALAKKAD MUNICIPALITY, PALAKKAD-678 001
4. THE CHIEF TOWN PLANNER,
OFFICE OF THE CHIEF TOWN PLANNER,
THIRUVANANTHAPURAM-695 001

R BY SRI. SANJEETHA K.A., GOVERNMENT PLEADER
R3 BY SRI.T.C.SURESH MENON

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

APPENDIX

PETITIONER'S EXHIBITS :

P1:-A TRUE COPY OF THE DOCUMENT NO 5526/2004 DTD 24/9/2004 OF SRO PALAKKAD.

P2:-A TRUE COPY OF THE DOCUMENT NO 5527/2004 DTD 24/9/2004 OF SRO PALAKKAD.

P3:-A TRUE COPY OF THE BUILDING PERMIT DTD 16/8/2014 ISSUED BY THE OFFICE OF 3RD RESPONDENT ALONG WITH ENGLISH TRANSLATION.

P4:-A TRUE COPY OF THE LETTER REFUSING BUILDING PERMIT DTD 5/11/2014 ISSUED BY 3RD RESPONDENT ALONG WITH ENGLISH TRANSLATION.

P5:-TRUE PHOTOCOPY OF THE LAND.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

Rv

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 1577 of 2015 (V)

Dated this the 2nd day of February, 2015.

JUDGMENT

In the light of the ratio laid down in Praveen v. Land Revenue Commissioner (2010 (2) KLT 617), 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 3rd respondent is directed to consider the petitioner's application for building permission afresh, subject to the petitioner's fulfillment of other statutory criteria, including the building Rules, and 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.

