

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 2307 of 2015 (K)

PETITIONER:

LAILA ISMAILKUNJU,
THUNDIYIL HOUSE,
MANNAR, ALAPPUZHA DISTRICT.

BY ADVS.SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY

RESPONDENTS:

1. VAZHAPPALLY GRAMA PANCHAYATH,
KURISUMMOOD P.O., CHANGANACHERRY,
KOTTAYAM DISTRICT - 686 104
REPRESENTED BY ITS SECRETARY.
2. THE SECRETARY,
VAZHAPPALLY GRAMA PANCHAYATH,
KURISUMMOOD P.O.,
CHANGANACHERRY, KOTTAYAM DISTRICT - 686 104.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1 : TRUE PHOTOCOPY OF THE SITE PLAN OF THE PROPERTY.
- EXT.P2 : TRUE PHOTOGRAPH OF EXT.P1 PROPERTY.
- EXT.P3 : TRUE PHOTOCOPY OF THE BUILDING PERMIT APPLICATION DATED 18.12.2014.
- EXT.P4 : TRUE PHOTOCOPY OF THE POSSESSION CERTIFICATE NO.2258/2014 DATED 03.12.2014 ISSUED BY THE VILLAGE OFFICER, VAZHAKKULAM WEST VILLAGE ALONG WITH ITS ENGLISH TRANSLATION.
- EXT.P5 : TRUE PHOTOCOPY OF THE ORDER BEARING NO.C3/9729 DATED 07.01.2015.
- EXT.P6 : TRUE PHOTOCOPY OF THE JUDGMENT DATED 21.05.2014 IN W.P.(C) NO. 10675 OF 2014.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 2307 of 2015 (K)

Dated this the 22nd day of January, 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.P5.

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.

