

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 2321 of 2015 (M)

PETITIONER:

HANEEFA,
S/O.SAHID MUHAMMED, HUZAIN MANZIL, VELLOOR,
ANDOORKONAM, THIRUVANANTHAPURAM.

BY ADV. SRI.LIJU. M.P

RESPONDENTS:

1. ANDOORKONAM GRAMA PANCHAYAT,
ANDOORKONAM PANCHAYAT OFFICE, ANDOORKONAM,
THIRUVANANTHAPURAM DISTRICT, REP. BY ITS SECRETARY - 695 605.
2. THE SECRETARY,
ANDOORKONAM GRAMA PANCHAYATH,
AMNDOORKONAM PANCHAYAT OFFICE, ANDOORKONAM,
THIRUVANANTHAPURAM - 695 605.
3. THE VILLAGE OFFICER,
VILLAGE OFFICE, ANDOORKONAM,
THIRUVANANTHAPURAM DISTRICT - 695 605.

R2 BY ADV. SRI.AYYAPPAN SANKAR
R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE 3RD
RESPONDENT DATED 1/11/2014.

P2: TRUE COPY OF THE COMMUNICATION DATED 25/11/2014 ISSUED BY THE
2ND RESPONDENT.

P3: TRUE COPY OF THE BUILDING PLAN.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 2321 of 2015 (M)

Dated this the 2nd day of March, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondent Grama Panchayath, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner had his cattle shed re-constructed into a residential building. It is the contention of the petitioner that in the face of objections raised by the respondent Grama Panchayath against the initial building plan submitted in Ext.P2 by him, he submitted Ext.P3 revised building plan, which was duly approved by the Grama Panchayath. Only in compliance with Ext.P3, the petitioner is said to have made the construction.

3. Ventilating his grievance that even though the petitioner has submitted an application to the respondent

Grama Panchayath for having a building number, the Grama Panchayath has not considered the application, the petitioner has filed the present writ petition.

4. The learned counsel for the respondent Grama Panchayath submitted that the Grama Panchayath has got information that there are certain attachments over the property through orders of Civil Courts, as has been mentioned in Ext.P1 possession certificate. To a specific query from this Court, the learned counsel for the respondent Grama Panchayath has submitted that apart from the attachment in I.A. No. 783 of 2011 in O.S. No. 110 of 2011 of Sub Court, Attingal, no other impediment has been found for assigning the building number.

5. I do not think an attachment, which only imposes a limitation on parting with the property in terms of Order XXXVIII Rule 5 of CPC, can come in the way of the respondent Grama Panchayath assigning a building number, which stands altogether on a different footing, statutorily.

6. In the facts and circumstances, having regard to the

respective submissions of the learned Counsel for the petitioner and the learned counsel for the respondent Grama Panchayath, this Court disposes of the writ petition with a direction to the respondent Grama Panchayath to assign the building number to the petitioner's property without reference to the order of attachment, as has been reflected in Ext.P1 possession certificate, provided the petitioner is otherwise entitled to the assignment of the building number.

Needless to observe that the respondent Grama Panchayath may expedite the process and complete it within thirty days from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

