

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 2398 of 2015 (Y)

PETITIONERS:

1. FR.ABRAHAM KOTTOPARAMBIL,
KOTTOOPARAMBIL HOUSE, KALLARA,
KOTTAYAM DISTRICT - 686 611.
2. FR.MATHEW KOTTOOPARAMBIL,
KOTTOOPARAMBIL HOUSE, KALLARA,
KOTTAYAM DISTRICT - 686 611.

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

RESPONDENTS:

1. KALLARA (VAIKOM) GRAMA PANCHAYATH,
KALLARA SOUTH P.O., KOTTAYAM DISTRICT,
PIN: 686 611 REP. BY ITS SECRETARY.
2. THE SECRETARY,
KALLARA (VAIKOM) GRAMA PANCHAYATH,
KALLARA SOUTH P.O., KOTTAYAM DISTRICT,
PIN: 686 611.

BY ADVS. SRI.S.RADHAKRISHNAN
SRI.S.RAJ MOHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 2398 of 2015 (Y)

PETITIONER'S EXHIBITS:

EXT. P1: TRUE PHOTOCOPY OF THE SALE DEED BEARING NO.2784/2007 DATED 17/10/2007.

EXT. P1(a): TRUE PHOTOCOPY OF THE SALE DEED BEARING NO.2378/2010 DATED 18/11/2010.

EXT. P2: THE PHOTOCOPY OF THE SITE PLAN OF THE PROPERTIES

EXT. P3: TRUE PHOTOCOPY OF THE POSSESSION CERTIFICATES NO. 2728/2014 DATED 12/8/2014.

EXT. P3(a): A TRUE PHOTOCOPY OF THE POSSESSION CERTIFICATE NO. 2797/2014 DATED 21/8/2014.

EXT. P4: TRUE PHOTOGRAPH OF THE PROPERTY COVERED BY EXTS.P1 & P1 (a) SALE DEED.

EXT. P5: TRUE PHOTOCOPY OF THE APPLICATION FOR BUILDING PERMIT DATED 18/9/2014.

EXT. P6: TRUE PHOTOCOPY OF THE REPORT BEARING NO.268/14 DATED 30/10/2014.

EXT. P7: TRUE PHOTOCOPY OF THE ORDER/COMMUNICATION BEARING NO.A4-2999/14 DATED 05/11/2014 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.2398 of 2015 Y

Dated this the 18th day of February, 2015

JUDGMENT

In the light of the ratio laid down in **Jafar Khan v. Kochumarakkar** (2012 (1) KLT 491), **Muhammed Abdul Basheer v. State of Kerala** (2012 (3) KLT 86) and **Smijo K.Sunny and another v. State of Kerala and another** (2012 (4) KHC 909), the present writ petition is also disposed of on the same lines applying the ratio laid down by the learned Division Bench in the said decision, thereby quashing Exhibit P7.

Consequently, the second respondent is directed to consider Exhibit P5 application of the petitioner for building permission afresh, if necessary, by referring the matter to the District Town Planner and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

tkv