

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 2410 of 2015 (A)

PETITIONER:

JAMALUDHEEN P.H., AGED 55 YEARS,
S/O.HAMEED, PANIKKAVEETIL HOUSE, THALIKKULAM P.O.,
THRISSUR DISTRICT.

BY ADV. SRI.C.D.DILEEP

RESPONDENTS:-

1. THALIKKULAM GRAMA PANCHAYAT,
THALIKULAM, THRISSUR DISTRICT, PIN - 680 569
REPRESENTED BY ITS SECRETARY.
2. SECRETARY,
LOCAL SELF GOVERNMENT (A.R) DEPARTMENT
THIRUVANANTHAPURAM - 695 001.

R1 BY ADV. SRI.K.I.SAGEER
R BY SRI. JUSTIN JACOB, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1. TRUE COPY OF THE SALE DEED NO.2071/2004 OF THE VATANAPPILLY SUB REGISTRY, THRISSUR DATED 29.09.2004.

EXHIBIT P2. TRUE COPY OF THE TAX RECEIPT OF THE PROPERTY DATED 12.03.2014.

EXHIBIT P3. TRUE COPY OF THE POSSESSION CERTIFICATE DATED 29.10.2014.

EXHIBIT P4. A TRUE COPY OF THE SKETCH SUBMITTED BY THE PETITIONER ALONG WITH APPLICATION.

EXHIBIT P5. A TRUE COPY OF THE ABOVE ORDER OF THE 1ST RESPONDENT DATED 15.12.2014 REJECTING THE BUILDING PERMIT.

EXHIBIT P5(a): ENGLISH TRANSLATION OF EXT.P5 ORDER.

EXHIBIT P6. TRUE COPY OF THE PHOTOGRAPHS OF THE PROPERTY.

EXHIBIT P7: TRUE COPY OF THE CERTIFICATE ISSUED BY AGRICULTURAL OFFICER, THALIKULAM DATED 30.01.2015 CERTIFYING THAT THE SURVEY NO.101/4 IS NOT INCLUDED IN THE DRAFT DATA BANK ON WET LAND AND PADDY LAND FOR THALIKULAM VILLAGE.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 2410 of 2015 (A)

Dated this the 6th day of March, 2015.

JUDGMENT

In the light of the ratio laid down in Shahnaz Shukkoor v. Chelannur Grama Panchayat (2009 (3) KLT 899), this Court disposes of the writ petition on the same lines applying the ratio laid down by this Court in the said decision, thereby setting aside Ext.P5.

Consequently, the 1st 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.

