

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. 2935 of 2015 (N)

PETITIONERS:

1. BINSHAD,
S/O.MUHAMMADALI, PARAMBOOR HOUSE, PATTIKKAD.P.O.,
PERINTHALMANNA, MALAPPURAM DISTRICT.
2. KADEEJA,
W/O.MUHAMMADALI, PARAMBOOR HOUSE, PATTIKKAD.P.O.,
PERINTHALMANNA, MALAPPURAM DISTRICT.
3. SIBANATH
D/O.ALAVI, PAYYANIL KARALATH HOUSE, THUVOOR.P.O.,
MALAPPURAM DISTRICT.
4. NUNAISE,
S/O.MUHAMMED ABDUL NASAR, PARAMBOOR HOUSE,
PATTIKKAD.P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT:

THE PERINTHALMANNA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, PERINTHALMANNA
MALAPPURAM DISTRICT. 676 322.

R BY SRI.P.C.SASIDHARAN, SC, PERINTHALMANNA MUNICIPALITY

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

APPENDIX

PETITIONERS' EXHIBITS :

P1- TRUE COPY OF THE POSSESSION CERTIFICATE DATED 20.10.2014 IN FAVOUR OF FIRST PETITIONER.

P1(A)- TRUE COPY OF THE POSSESSION CERTIFICATE DATED 20.10.2014 IN FAVOUR OF SECOND PETITIONER.

P1(B)- TRUE COPY OF THE POSSESSION CERTIFICATE DATED 20.10.2014 IN FAVOUR OF THIRD PETITIONER.

P1(C)- TRUE COPY OF THE POSSESSION CERTIFICATE DATED 20.10.2014 IN FAVOUR OF FOURTH PETITIONER.

P2- TRUE COPY OF THE ORDER DATED 24.12.2014 PASSED BY THE RESPONDENT.

P3- TRUE COPY OF THE PHOTOGRAPHS OF THE PROPERTY.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 2935 of 2015 (N)

Dated this the 2nd day of February, 2015.

JUDGMENT

In the light of the ratio laid down in Shahanaz Shukkoor v. Chelannur Grama Panchayath (2009 (3) KLT 899), this Court disposes of the writ petition on the same lines applying the ratio laid down by the learned single Judge in the said decision, thereby setting aside Ext.P2.

Consequently, the 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.

