

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 3414 of 2015 (B)

PETITIONER : -

RAVEENDRAN,
S/O NARAYANAN,
MOOLAVILA PUTHEN VEEDU,
MANAKKARA,
SASTHAMCOTTAH, KOLLAM

BY ADVS.SRI.B.MOHANLAL
SRI.K.PANIL KUMAR (SASTHAMCOTTA)

RESPONDENTS : -

1. THE SASTHAMCOTTAH GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
SASTHAMCOTTAH PO.,
KOLLAM 690521.
2. THE ASSISTANT ENGINEER,
LOCAL SELF GOVERNMENT SECRETARIAT,
SASTHAMCOTTAH GRAMA PANCHAYATH,
SASTHAMCOTTA PO., KOLLAM 690521.
3. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION BUREAU,
CUTCHERY P.O., KOLLAM 691013.

R1 & 2 BY ADV.SRI.M.RAMESH CHANDER (SR.)
R1 & 2 BY ADV.SRI.ANEESH JOSEPH
R3 BY GOVERNMENT PLEADER SRI. JUSTIN JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE PROPERTY TAX REMITTED BY THE PETITIONER TO THE VILLAGE OFFICER, SASTHAMCOTTAH FOR THE YEAR 2010 TO 2011-12 AND ITS ENGLISH TRANSLATION.

EXHIBIT P2 : TRUE COPY OF RECEIPT FOR PAYMENT OF THE BUILDING TAX OF THE GROUND FLOOR OF THE BUILDING BEARING DOOR NO: SP-XV/319 TO 329 FOR THE YEAR 2012-13 ISSUED BY THE 1st RESPONDENT AND ITS ENGLISH TRANSLATION.

EXHIBIT P3 : TRUE COPY OF THE BUILDING PERMIT No. 248/2008-09 DATED 17.11.2009 ISSUED BY THE 1ST RESPONDENT AND ITS RENEWAL.

EXHIBIT P4 : TRUE COPY OF THE STOP MEMO No.C2-35997/13-14 DATED 18.5.2013 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER AND ITS ENGLISH TRANSLATION.

EXHIBIT P5 : TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 24.1.2015 AND ITS ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 3414 of 2015

Dated this the 09th day of April, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, as well as the learned counsel for the respondent, 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. The petitioner, having an existing building, obtained Exhibit P3 building permit to construct the first floor. After its completion, the petitioner submitted a completion certificate along with Exhibit P5 application for the assignment of a new building number for the first floor. Ventilating his grievance that Exhibit P5 has so far not been considered, the petitioner has filed the present writ petition.

3. The learned counsel for the respondent Grama Panchayat has pointed out that way back in 2013, through Exhibit P4, the respondent Grama Panchayat already pointed

out the deviations in the construction in violation of the sanctioned building permit. According to him, unless the petitioner files an application for regularization, the question of granting any building number to the petitioner does not arise.

4. The learned counsel for the petitioner has submitted that the petitioner is willing to submit an application for regularization. Be that as it may, this Court cannot make any observation concerning an application which is yet to be filed by the petitioner. It is up to him to file the necessary application for regularization in the light of Exhibit P4 communication issued by the respondent Grama Panchayat. If at all such an application is filed, it is for the respondent Grama Panchayat to consider the same strictly in accordance with law. At any rate, since Exhibit P5 has been pending before the respondent Grama Panchayat, it only meets the ends of justice, if this Court directs the respondent Grama Panchayat to consider the same expeditiously.

5. 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

Panchayat, this Court, without adverting to the merits of the matter, disposes of the present writ petition with a direction to the first respondent to consider the application of the petitioner for regularization, in the light of Exhibit P4 communication issued by it, 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.

With the above observation, this writ petition is disposed of.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-