

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 3628 of 2015 (C)

PETITIONER : -

RAFEEL AHAMMED T.K, AGED 47 YEARS,
S/O.MUHAMMED KUTTY, THACHARAKUNNATH HOUSE,
PULASSERI.P.O., PATTAMBI TALUK,
PALAKKAD DISTRICT-679 307,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER,
USMAN T.K., AGED 58 YEARS, S/O.(LATE)BAPPU,
THACHARAKUNNATH HOUSE, PULASSERI.P.O.,
PATTAMBI TALUK, PALAKKAD DISTRICT-679 307.

BY ADV.SRI.T.PRASAD

RESPONDENTS : -

1. PATTAMBI GRAMA PANCHAYATH,
PATTAMBI, PALAKKAD DISTRICT,
REPRESENTED BY ITS SECRETARY-679 303.
2. THE SECRETARY,
PATTAMBI GRAMA PANCHAYATH,
PALAKKAD DISTRICT. 679 303.

R1-R2 BY ADV. SRI.A.HAROON RASHEED

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

WP(C).No. 3628 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE BUILDING PERMIT DATED 15.10.10 ISSUED BY
THE 2ND RESPONDENT.

EXHIBIT P2 : THE TRUE COPY OF THE APPLICATION FOR REGULARIZES THE
CONSTRUCTION AND NUMBERING THE BUILDING SUBMITTED BY
THE PETITIONER.

EXHIBIT P3 : TRUE COPY OF THE ACKNOWLEDGMENT ISSUED BY THE
PANCHAYAT DATED 21.08.2014.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 3628 of 2015

Dated this the 03rd day of March, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondents, 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, an employee in a Gulf Country, is said to have constructed a two storied residential building on his property in Survey No. 154/7 of Pattambi Village of Palakkad District, in accordance with Exhibit P1 permit, regarding which there is some controversy. After completion of the construction, the petitioner has submitted Exhibit P2 application for regularization and numbering of the building. Ventilating his grievance that though Exhibit P2 application was submitted on 21.08.2014, it has not been

disposed of so far, the petitioner has filed the present writ petition.

3. The learned counsel for the respondent Grama Panchayat has submitted that the petitioner's application is incomplete and that the petitioner has already been communicated by the respondent Grama Panchayat orally about the deficiencies. According to him, if the petitioner rectifies the defects and submits a fresh application along with all other necessary documents, the respondent Grama Panchayat is willing to consider it in accordance with law.

4. It is not in dispute that Exhibit P2 application was filed in August 2014. If there is any defect in the application or any further compliance thereof in the manner of submitting additional documents etc is required, the respondent Grama Panchayat ought to have in writing communicated it to the petitioner, instead of taking a plea that it has already orally communicated the information.

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 disposes of the writ petition with a

direction to the respondent Grama Panchayat to consider the petitioner's Exhibit P2 application in accordance with law. If, as has been submitted by the learned counsel for the respondent Grama Panchayat, Exhibit P2 application is deficient in any manner, the respondent Grama Panchayat may duly intimate the same to the petitioner, who, on such intimation, shall cure the deficiencies. Needless to observe that if the application is in order, the respondent Grama Panchayat shall make every endeavour to dispose of the said application as expeditiously as possible, at any rate, within a period of thirty days from the date of receipt of a copy of the judgment.

With the above observation, this writ petition is disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-