

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No. 4840 of 2015 (D)

PETITIONER:

1. HARIDASAN S., S/O. SUBRAMANIAN,
AGED 33 YEARS, RESIDING AT UPPATHU HOUSE,
MOOTHANTHARA, VADAKKENTHARA P.O.,
PALAKKAD - 678 012.

BY ADVS.SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN

RESPONDENT:

THE PALAKKAD MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
PALAKKAD.

R BY SRI.T.C.SURESH MENON

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 4840 of 2015 (D)

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE BASIC TAX RECEIPT DATED
16.09.2014 WITH ENGLISH TRANSLATION.

EXT.P2 : TRUE COPY OF THE POSSESSION CERTIFICATE DATED
16.09.2014 WITH ENGLISH TRANSLATION.

EXT.P3 : TRUE COPY OF THE REJECTION ORDER DATED 10.08.2012
WITH ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 4840 of 2015 (D)

Dated this the 16th day of February, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondent Municipality, 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, way back in 2012, applied for building permit to construct a residential building on his property situated in Palakkad -I village. The respondent Municipality, however, rejected the application through Ext.P3 proceedings dated 10.08.2012.

3. After about 2 ½ years, the petitioner has chosen to lay challenge against Ext.P3 in the present writ petition.

4. The learned counsel for the respondent Municipality has contended that the writ petition suffers from severe latches and at this belated stage, it cannot be entertained.

5. I find force in the contention of the learned counsel for the respondent Municipality. No valid reasons are emanating from the writ petition why the petitioner could not lay challenge against Ext.P3 at the earliest. In the absence of any convincing reasoning forthcoming from the petitioner, a decision of the authorities in Ext.P3 cannot be interdicted after a lapse of considerable time. Accordingly, I am of the opinion that the writ petition suffers from the vice of laches and thus is dismissed.

It is, however, made clear that in the light of subsequent developments, if the petitioner makes a fresh application, as has been fervently pleaded by the learned counsel for the petitioner, it is open for the authorities to consider the same in accordance with law.

sd/- DAMA SESHADRI NAIDU, JUDGE.

