

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 4847 of 2015 (E)

PETITIONER :

**M.H.MUHAMMED BASHEER,
S/O.M.A. HASSAN, AGED 47 YEARS
RESIDING AT MARATHETHIL HOUSE
SAHAKARANA NAGAR, AYYANTHOLE VILLAGE,
THRISSUR TALUK**

**BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU**

RESPONDENT :

**THE THRISSUR CORPORATION
REPRESENTED BY ITS SECRETARY, CORPORATION OFFICE
THRISSUR - 680 001.**

**R1 BY ADVS. SRI.K.P.VIJAYAN, SC
SRI.V.N.HARIDAS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 4847 of 2015 (E)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE
VILLAGE OFFICE, AYYANTHOLE TO THE PETITIONER DATED 7-08-2014.**
- EXT.P2 TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT
CORPORATION DATED 30-09-2014.**
- EXT P3 TRUE COPY OF THE LETTER SENT BY THE VILLAGE OFFICER TO THE
SECRETARY OF THE RESPONDENT CORPORATION DATED 18-11-2014.**
- EXT.P3(e) TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P3.**
- EXT.P4 TRUE COPY OF THE BUILDING PERMIT GRANTED TO ANOTHER
APPLICANT IN SY. NO 161 DATED 19-1-2005.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 4847 of 2015

Dated this the 25th day of February, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing 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. Briefly stated, the petitioner, being the owner and possessor of a parcel of land in Survey No. 161/P of Ayyanthole Village in Thrissur Taluk and District, applied for a building permit to the respondent, which in turn acknowledged the receipt of the application through Exhibit P2. Since his application for building permit to construct a residential house has so far not been disposed of, the petitioner, aggrieved thereby, filed the present writ petition.

3. The learned counsel for the petitioner has submitted that, though the respondent Corporation has not assigned any reason up to this point of time why his application should not be considered, it can be presumed that the authorities must have been swayed by the recording of an entry in the revenue records long back that the nature of the land was Nilam. In this regard, placing reliance on a plethora of precedents on the issue, the learned counsel for the petitioner contends that instead of solely going by the entries in the revenue records, the authorities ought to subject the property to physical inspection, apart from checking the categorization in the Data Bank for the purpose of processing petitioner's application.

4. The learned counsel has also brought to my notice Exhibit P3, which is a report submitted by the Village Officer. According to him, the land is said to be a reclaimed land, as has been reflected in the Data Bank.

5. The learned Standing Counsel for the respondent Corporation, on his part, submits that the respondent Corporation will consider the petitioner's application expeditiously.

6. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel for the respondent Corporation, this Court disposes of the writ petition with a direction to the respondent Corporation to consider the petitioner's application in accordance with law, especially keeping in view Exhibit P3 certificate said to have been issued by the Village Officer, 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. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-