

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 7691 of 2013 (J)

PETITIONER:

**C.RADHA SASIDHARAN, AGED 52 YEARS
W/O.SASIDHARAN PILLAI, RESIDING AT "RADHEYAM"
PAYIKUZH, OACHIRA.P.O., PIN-690 526.**

**BY ADVS.SRI.N.N.SUGUNAPALAN (SR.)
SR.S.SUJIN**

RESPONDENT:

**1. KAIPARAMBA GRAMA PANCHAYATH
MUNDUR.P.O., THRISSUR DISTRICT,
REP. BY ITS SECRETARY.**

*** ADDL. R2 IS IMPLEADED**

**2. JESSY FRANCIS
W/O.LATE FRANCIS PAUL,
MEKKATTKULANGARA HOUSE, MUNDOOR
THRISSUR DISTRICT.**

*** ADDL. R2 IS IMPLEADED AS PER ORDER DATED 12/12/2013 IN IA
16363/2013.**

**R1 BY ADV. SRI.T.M.CHANDRAN
R2 BY ADV. SRI.M.B.PRAJITH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- TRUE COPY OF THE APPLICATION FOR BUILDING PERMIT
SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT ON
5.1.2013.**

**EXHIBIT P2- TRUE COPY OF THE COMMUNICATION BEARING NO.B1/223/13
DATED 23.1.2013 ISSUED BY THE RESPONDENT TO THE
PETITIONER.**

EXHIBIT P3- TRUE COPY OF THE PLAN SUBMITTED BY THE PETITIONER

RESPONDENT(S)' EXHIBITS:-

EXT.R1(a): TRUE COPY OF RECEIPT DATED 16.01.2013

EXT. R1(b): TRUE COPY OF THE ASSIGNMENT DEED

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 7691 OF 2013

Dated this the 10th day of September, 2015

JUDGMENT

The necessity for a development permit can be decided only after hearing the assignor and assignee in the instant case. The alleged developer who is the assignor was not heard at any point of time.

2. Ext. P2 order declining building permit is hereby quashed. The first respondent is directed to reconsider the issue with notice to the petitioner and the second respondent. The needful shall be done within a period of the one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS