

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 5191 of 2015 (Y)

PETITIONER:

REHNA MOHAMMED ASHRAF, AGED 55 YEARS,
D/O.BAVAKUTTY ABDUL KAREEM,
RESIDING AT HIBBA, CHANAPURA P.O.,
KODUNGALLUR, TRICHUR DISTRICT,
PIN CODE-680 684.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:

MARADU MUNICIPALITY,
MARADU, KUNDANNUR, ERNAKULAM
PINCODE-682 040,
REPRESENTED BY ITS SECRETARY.

BY SRI.T.R.RAJAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 5191 of 2015 (Y)

PETITIONER'S EXHIBITS:

EXHIBIT P1- TRUE COPY OF THE CERTIFICATE NO.1972/14 DATED 12/12/2014 ISSUED BY THE VILLAGE OFFICER, MARADU, ALONG WITH ENGLISH TRANSLATION.

EXHIBIT P2- TRUE COPY OF POSSESSION CERTIFICATE NO.8656667 DATED 23/10/2014 ISSUED BY THE VILLAGE OFFICER, MARADU, WITH REGARD TO THIS PROPERTY IN THE NAME OF THE PETITIONER.

EXHIBIT P3- TRUE COPY OF THE APPLICATION FOR DEVELOPMENT PERMIT DATED 19/12/2014 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT MUNICIPALITY.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.5191 of 2015 Y

Dated this the 27th day of February, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing 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. Briefly stated, the petitioner, being the owner of 17.49 ares of land in Maradu Village, Kanayannur Taluk, Ernakulam District, with a view to developing the said property, applied through Ext.P3 to the respondent Municipality for development permission. Ventilating her grievance that so far her Exhibit P3 application has not been considered by the authorities, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner has submitted that along with Exhibit P3 application, the petitioner has also submitted Exhibit P1 certificate issued by the Village Officer, as well as Exhibit P2 possession certificate. According to him, despite the fact that the petitioner is entitled to the necessary development permit, the respondent authorities have been dragging their feet on the issue. In elaboration of his submissions, the learned counsel has also contended that in revenue records also the land is reflected as purayidom (dry land). According to him, there shall be no impediment against granting a building permit concerning dry land.

4. The learned Standing Counsel for the respondent Municipality has submitted that the authorities are willing to consider petitioner's Exhibit P3 application in accordance with law.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the

petitioner and the learned Standing Counsel, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the respondent Municipality to consider Exhibit P3 application of the petitioner in accordance with law 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.

sd/- Dama Seshadri Naidu, Judge

tkv