

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 7583 of 2015 (W)

PETITIONER:

HARIDAS, S/O.LATE VELAYUDHAN,
AGED 28 YEARS, ROOM NO 3, STAR BUILDING,
JAINIMEDU, VADAKKANTHARA P.O, PALAKKAD TALUK,
PALAKKAD DISTRICT

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

1. PALAKKAD MUNICIPALITY REP. BY ITS SECRETARY,
MUNICIPAL OFFICE, PALAKKAD 678 001.
2. THE DISTRICT TOWN PLANNING OFFICER,
PALAKKAD, CIVIL STATION, PALAKKAD 678 001.
3. THE STATE OF KERALA
REPRESENTED BY ITS SECRTARY,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
THIRUVANANTHAPURAM, PIN 695 001.

R1 BY ADVS. SRI.T.C.SURESH MENON
SRI.P.S.APPU

R 2 & R3 BY GOVT. PLEADER SRI.G.GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 7583 of 2015 (W)

PETITIONER'S EXHIBITS:

EXHIBIT P1 A TRUE COPY OF THE ORDER DATED 30-05-2005 ISSUED BY THE REVENUE DIVISIONAL OFFICER PALAKKAD

EXHIBIT P2 A TRUE COPY OF THE CERTIFICATE DATED DECEMBER 3, 2014 ISSUED BY THE VILLAGE OFFICER, PALAKKAD-III VILLAGE

EXHIBIT P2(a) THE ENGLISH TRANSLATION OF EXHIBIT P2

EXHIBIT P3 A TRUE COPY OF THE NOTICE DATED NOVEMBER 25, 2014 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER

EXHIBIT P3(a) THE ENGLISH TRANSLATION OF EXHIBIT P3

EXHIBIT P4 A TRUE COPY OF THE JUDGEMENT DATED 8-1-2015 IN WPC NO 33995 OF 2014 OF THIS HONOURABLE COURT

EXHIBIT P5 A TRUE COPY OF THE ORDER DATED FEBRUARY 27, 2015 OF THE SECOND RESPONDENT

EXHIBIT P6 A TRUE COPY OF THE BUILDING PERMIT DATED 5-3-2015 ISSUED BY THE FIRST RESPONDENT

RESPONDENTS EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.7583 of 2015 W

Dated this the 17th day of March, 2015

JUDGMENT

In the light of the ratio laid down in **Ramankutty v. Principal Agricultural Officer, Malappuram and another** (2014 KHC 3692), condition No.3 in Exhibit P5 cannot be sustained and is accordingly set aside. This Court, therefore, disposes of the writ petition declaring that the petitioner is free to construct the building subject to complying with all other conditions imposed in Exhibit P5.

Dama Seshadri Naidu, Judge

tkv