

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C)No.7585 of 2015(W)

PETITIONER:-

A.C.SREEDHARAN, ANALIPARAMBIL HOUSE,
CHEMBUCHIRA P.O., MATTATHUR VILLAGE, CHALAKKUDY.

BY ADVS.SRI.P.THOMAS GEEVERGHESE
SRI.TONY THOMAS INCHIPARAMBIL

RESPONDENTS:-

1. MATTATHUR GRAMA PANCHAYAT,
CHALAKKUDY, THRISSUR-680 684,
REPRESENTED BY SECRETARY.
2. DISTRICT TOWN PLANNER,
2ND FLOOR, CIVIL STATION, THRISSUR-680 003.

R1 BY ADVS.SRI.M.R.VENUGOPAL,
SMT.DHANYA P.ASOKAN

R2 BY GOVERNMENT PLEADER SMT.ANITHA RAVEENDRAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD

ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- EXHIBIT P1: TRUE COPY OF BUILDING PERMIT APPLICATION SUBMITTED BY THE PETITIONER ON 4TH OCTOBER 2014.
- EXHIBIT P2: TRUE COPY OF NOTICE ISSUED BY THE 1ST RESPONDENT ON 14TH OCTOBER 2014.
- EXHIBIT P2 (A) : TRUE ENGLISH TRANSLATION OF EXT.P2.
- EXHIBIT P3: TRUE COPY OF SURVEY SKETCH WITH SIDE MEASUREMENTS ISSUED BY THE TALUK SURVEYOR ON 19/2/2015.
- EXHIBIT P4: TRUE COPY OF LOCATION CERTIFICATE ISSUED BY THE VILLAGE OFFICER, MATTATHUR ON 21/3/2014.
- EXHIBIT P5: TRUE COPY OF POSSESSION CERTIFICATE NO.1728/14 ISSUED BY THE VILLAGE OFFICER, MATTATHUR.
- EXHIBIT P6: TRUE COPY OF NON LA, NON RR CERTIFICATE ISSUED BY THE VILLAGE OFFICER, MATTATHUR ON 10-11-2014.
- EXHIBIT P6 (A) : TRUE ENGLISH TRANSLATION OF EXT.P6.
- EXHIBIT P7: TRUE COPY OF ORDER NO.C/1396/2014 DDS DATED 5/6/2014 OF THE DISTRICT TOWN PLANNER, THRISSUR.
- EXHIBIT P7 (A) : TRUE ENGLISH TRANSLATION OF EXT.P7.
- EXHIBIT P8: THE TRUE COPY OF LETTER NO.A1-3539/14 DATED 18.3.2015.
- EXHIBIT P9: THE TRUE COPY OF PERMIT JO.E/63/2015 OF FACTORY AND BOILERS DEPARTMENT.

RESPONDENTS' EXHIBITS:

//TRUE COPY//

P.A. TO JUDGE.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.7585 of 2015

Dated this the 20th day of July, 2015.

JUDGMENT

Aggrieved by the inaction on the part of the first respondent in considering and passing final orders on Ext.P1, the petitioner has come up before this Court.

2. The petitioner submitted Ext.P1 application for building permit to construct 164.97 m² of Industrial Building, intended to set up a synthetic chapel manufacturing unit. The petitioner alleges that the proposed building falls in G2 category, which do not require sanction of the Town Planning Department, since the plinth area is below 300 m² (Rule 59 of KPBR, 2011). However, the first respondent panchayath secretary is adamant to forward the petitioner's application to the town planner, contrary to rules, to delay the application. The petitioner has contracted a loan of Rs.85 lakhs to set up his chapel manufacturing unit. He would be put to imminent securitisation by the bank, unless the building permit is

sanctioned at the earliest.

3. The second respondent has filed a detailed counter affidavit. It was contended that it is mandatory as per Rule 59 (1) and 59(2) of the Kerala Panchayath Building Rules, 2011, usage of and layout approval is required from the District Town Planner or Chief Town Planner as the case may be.

4. In the light of the said contention, the learned counsel for the petitioner submitted that Ext.P1 application has already been forwarded to the District Town Planner and the same is pending before him for consideration.

In the light of the said submission, the writ petition is disposed of directing the second respondent to consider and pass appropriate orders on Ext.P1 application, after affording the petitioner an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment. In the event of clearance from the second respondent, the first respondent shall consider the application and pass formal orders on the same within a period of two weeks thereafter.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the respondents at the earliest

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.