

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No.8630 of 2014 (C)

PETITIONER:

**C.S.BASHEER,AGED 60 YEARS,S/O.SULAIMAN,
SHINOJ NIVAS,PUNALUR VILLAGE,PUNALUR - 691 305.**

**BY ADVS.SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR
SRI.RAAJESH S.SUBRAHMANIAN**

RESPONDENT:

- 1. PUNALUR MUNICIPALITY,REPRESENTED BY ITS SECRETARY,
BRKR BHAVAN,B-BLOCKTANKBUND ROAD,PUNALUR - 691 305.**

***ADDITIONAL 2ND RESPONDENT IMPLEADED.**

- 2. THE VILLAGE OFFICER, PUNALUR,PIN-691305.**

***ADDITIONAL 2ND RESPONDENT IMPLEADED AS PER ORDER
DATED 5.2.2015 IN IA.NO.16832/2014 INW.P(C) NO.8630/2014.**

R1 BY SRI.B.KRISHNA MANI,S.C

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.8630 of 2014 (C)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P-1:SOME PHOTOGRAPHS OF THE PROPERTY SHOWING THE PRESENT
POSITION.**

**EXT.P-2:TRUE PHOTOSTAT COPY OF THE CERTIFICATE ISSUED BY THE
AGRICULTURAL FIELD OFFICER,KRISHI BHAVAN,PUNALUR,
PLACHERY P.O,PIN - 691 331, DATED 21-03-2014.**

**EXT.P-3:TRUE PHOTOSTAT COPY OF THE ORDER OF THE RESPONDENT
DATED 14.3.2014.**

RESPONDENT'S EXHIBITS:

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 8630 of 2014 (C)

Dated this the 5th day of February, 2015.

JUDGMENT

In the light of the ratio laid down in Mohammed Abdul Basheer v. State of Kerala (2012 (3) KLT 86), this Court disposes of the writ petition on the same lines applying the ratio laid down by this Court in the said decision, thereby setting aside Ext.P3.

Consequently, the 1st respondent is directed to consider the petitioner's application for building permission afresh, if necessary, by referring the matter to the District Town Planner, after subjecting the land in question to physical verification, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

Sd/- DAMA SESHADRI NAIDU, JUDGE.

