

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 8877 of 2015 (H)

PETITIONER:

**SIVASANKARAN,
S/O.CHINNAN,
CHERUKUNNATH HOUSE,
NEAR RAJAS HIGH SCHOOL,
KOTTAKKAL,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
MALAPPURAM,
PIN-676 505.**
- 2. KOTTAKKAL MUNICIPALITY,
REP. BY ITS SECRETARY,
MALAPPURAM-676 503.**
- 3. LOCAL LEVEL MONITORING COMMITTEE,
REP. BY ITS CHAIRMAN,
KOTTAKKAL MUNICIPALITY-676 503.**
- 4. DISTRICT LEVEL AUTHORISING COMMITTEE,
REP. BY ITS CHAIRMAN,
REVENUE DIVISIONAL OFFICER,
MALAPPURAM-676 503.**
- 5. VILLAGE OFFICER,
KOTTAKKAL,
MALAPPURAM-676 505.**

R1, R3 TO R5 BY GOVERNMENT PLEADER SRI.M.MUHAMMED SHAFI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

WP(C).No. 8877 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBIT

- EXHIBIT P1- TRUE COPY OT THE DOCUMENT NO.1823/2012 OF SRO, KOTTAKKAL DATED 16/04/2012.**
- EXHIBIT P2- TRUE COPY OF THE COMMUNICATION NO.9362/13 DATED 08/12/2014 SENT BY THE 2ND RESPONDENT TO THE PETITIONER.**
- EXHIBIT P3- TRUE COPY OF THE APPLICATION SUBMITTED BEFORE 3RD RESPONDENT DATED 09/07/2014 WITH ANNEXURES.**
- EXHIBIT P4- TRUE COPY OF THE COMMUNICATION NO G2/19144/12 SENT BY THE 2ND RESPONDENT TO THE RESPONDENT DATED 11/02/2013.**
- EXHIBIT P5- TRUE COPY OF THE AGREEMENT DATED 04/03/2013.**
- EXHIBIT P6- TRUE COPY OF THE REPRESENTATION DATED 14/02/2015 BEFORE THE 1ST RESPONDENT BY THE PETITIONER.**

RESPONDENT EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.8877 of 2015

Dated this the 20th day of March, 2015

JUDGMENT

The petitioner is the owner of the land having an extent of 5.20 cents in Survey No.309/7 of Kottakkal Village covered by Ext.P1. It is stated that, the property has been categorised as a 'paddy land'. But, since the petitioner does not have any other property, the petitioner wants to construct a residential building in the said property, for which Ext.P3 application was filed before the 3rd respondent, also producing copies of the relevant documents, so as to enable the petitioner to effect the construction. Since, no positive action was forthcoming, the petitioner moved the 1st respondent by submitting Ext.P6 representation. Since, it has not turned to be fruitful, the petitioner is constrained to approach this Court by filing this writ petition.

2. Heard the learned Government Pleader as well.

3. The 3rd respondent is directed to conduct a spot inspection with notice to the petitioner in connection with Ext.P3 and forward the remarks/recommendations to the 4th respondent within 'one month' from the date of receipt of a copy of this judgment. On receipt of the proceedings as above, a decision shall be taken in accordance with law by the 4th respondent, after hearing the petitioner within a further period of one month. The rights and liberties of the petitioner to effect the construction of the building shall depend upon the outcome of the order to be passed by the 4th respondent as above.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the respondents 3 and 4, for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE**

sp