

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 9172 of 2015 (V)

PETITIONERS:

1. THATTANGANDY ABDUL SHERIF AGED 47,
S/O.KUTTIYLI HAJI, TATTANGANDY HOUSE,
KEEZHUR P.O., CHAVASERRY PANCHAYATH,
THALASSERY TALUK, KANNUR DISTRICT.
2. CHENGALAL NALAKATH SABIRA, AGED 38,
W/O.ABDUL SHERI HAJI, THATTANGANDY HOUSE,
KEEZHUR P.O., CHAVASERRY PANCHAYATH,
THALASSERY TALUK, KANNUR DISTRICT.

BY ADVS.SRI.PRAVEEN K. JOY
SRI.T.A.JOY

RESPONDENTS:

1. KEEZHUR CHAVASSERRY GRAMA PANCHAYATH,
POONADU P.O., KANNUR DISTRICT, REP.BY
SECRETARY - 670 703.
2. THE DISTRICT COLLECTOR,
KANNUR DISTRICT - 670 703.
3. THE TAHSILDAR, THALASSERY TALUK,
KANNUR DISTRICT - 670 703.
4. THE VILLAGE OFFICER, KEEZHUR,
KANNUR DISTRICT - 670 703.

R2 TO R4 BY GOVT. PLEADER SMT.C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 9172 of 2015 (V)

PETITIONER'S EXHIBITS:

EXHIBIT-P1: THE TRUE PHOTOCOPY OF THE ORDER DATED 6.3.2015 WITH TRANSLATION.

EXHIBIT-P2: THE TRUE PHOTOCOPY OF THE TAX RECEIPT DATED 9.12.14 OF KEEZHUR VILLAGE WITH TRANSLATION.

EXHIBIT-P3: THE TRUE PHOTOCOPY OF THE TAX RECEIPT DATED 5.12.14 OF THE VILLAGE OFFICER, KEEZHUR WITH TRANSLATION.

EXHIBIT-P4: THE TRUE PHOTOCOPY OF THE JUDGMENT IN W.P.C. 1892/15 DATED 20.1.2015.

EXHIBIT-P5: THE TRUE PHOTOCOPY OF THE APPLICATION BEFORE THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.9172 of 2015 V

Dated this the 30th day of March, 2015

JUDGMENT

The petitioner, being the owner in possession of 2.83 ares of land in R.S.No.143 of Keezhur Village, submitted an application to the respondent Grama Panchayat for building permit. Eventually, the Grama Panchayat rejected it through Exhibit P1 holding that in the revenue records the property is reflected as nilam.

2. The grievance of the petitioner is that the land in question has been converted into dry land more than twenty five years ago and that the respondent Grama Panchayat ought not to have swayed by the revenue entries. At any rate, complaining that all other neighbours in the area have been granted building permit treating the property as dry land, the petitioner has submitted Exhibit P5 application

under Order 6(2) of the Kerala Land Utilisation Order to the second respondent.

3. The learned counsel for the petitioner has submitted that it will sub-serve the interest of justice if a direction is given to the second respondent to consider the petitioner's Exhibit P5 application and pass appropriate orders thereon, so that based on the directives of the second respondent, the petitioner would pursue the matter with the respondent Grama Panchayat.

4. The learned Government Pleader has submitted that the second respondent does not have any objection to consider the petitioner's Exhibit P5 application on merits.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the second

respondent to consider Exhibit P5 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.

Dama Seshadri Naidu, Judge

tkv