

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 10326 of 2015 (M)

PETITIONERS:

1. V.ABDULLAH, AGED 56 YEARS,
S/O. VELLENGARA MOHAMMED,
VELLENGARA HOUSE,
PANDIKKAD PANCHAYATH,
ERANADU TALUK, MALAPPURAM DISTRICT.
2. ASIA ABDUAH, AGED 47 YEARS,
W/O.V.ABDULLAH, VELLENGARA HOUSE,
PANDIKKAD PANCHAYATH, ERANADU TALUK,
MALAPPURAM DISTRICT.

BY ADVS.SRI.P.V.KUNHIKRISHNAN
SRI.P.V.ANOOP

RESPONDENTS:

1. PANDIKKAD GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, PANDIKKAD PO,
ERANAD TALUK, MALAPPURAM DISTRICT -676 521.
2. THE SECRETARY, PANDIKKAD GRAMA PANCHAYATH,
PANDIKKAD PO, ERNAD TALUK,
MALAPPURAM DISTRICT-676 52.

R1 & R2 BY ADVS. SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 10326 of 2015 (M)

PETITIONER'S EXHIBITS:

EXHIBIT P1: TRUE COPY OF THE PERMIT APPLICATION DATED 18.2.2015
ALONG WITH THE SITE PLAN SUBMITTED BY THE PETITIONERS TO THE 2ND
RESPONDENT

EXHIBIT P2: TRUE COPY OF THE ENGLISH TRANSLATION OF EXT. P1

EXHIBIT P3: TRUE COPY OF THE RECEIPT SHOWING THE RECEIPT OF EXT.
P1 PERMIT APPLICATION

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.10326 of 2015 M

Dated this the 9th day of April, 2015

JUDGMENT

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioners are said to be the owners in possession of two items of properties situated within the territorial limits of the respondent Grama Panchayat. Since a water channel belonging to the respondent Grama Panchayat passes through the properties of the petitioners, they have submitted Exhibit P1 application for consent of the respondent Grama Panchayat to construct a slab across the stream. Questioning the

inaction of the respondent Grama Panchayat in its considering the petitioner's Exhibit P1 application, they have filed the present writ petition.

3. The learned counsel for the respondent Grama Panchayat has, however, on instructions, submitted that Exhibit P1 application is not in conformity with Rule 5 of the Kerala Panchayat Building Rules, which prescribes a particular form - as set out in Appendix AA. She has also submitted that a time frame is fixed for the disposal of any application filed in terms of Rule 5 of the Rules.

4. The learned counsel for the petitioner has submitted that the petitioner is willing to file a fresh application strictly in conformity with Rule 5 of the Rules.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioners and the learned Standing Counsel, this Court, without expressing any opinion on the merits of the matter,

disposes of the writ petition leaving it open for the petitioners to submit an application in conformity with Rule 5 of the Rules. Once an application is thus submitted by the petitioners, the respondent Grama Panchayat shall consider it on merits and pass appropriate orders thereon within the statutory permissible period.

Dama Seshadri Naidu, Judge

tkv