

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 10938 of 2014 (N)

PETITIONER : -

P.M.HASSANHAJI,
S/O.MOHAMMED,
PANDIKASALA MANGALASSERY (AMBALAPURAM),
FEROKE POST - 676 631,
FEROKE VILLAGE, KOZHIKODE TALUK,
KOZHIKODE DISTRICT.

BY ADVS.SRI.O.RAMACHANDRAN NAMBIAR
SRI.GEEN T.MATHEW

RESPONDENTS : -

1. VAZHAYOOR GRAMA PANCHAYATH,
KARAD PARAMBA POST - 673 632, RAMANATTUKARA,
MALAPPURAM DISTRICT.

REPRESENTED BY THE SECRETARY,
VAZHAYOOR GRAMA PANCHAYATH,
KARAD PARAMBA POST - 673 632, RAMANATTUKARA,
MALAPPURAM DISTRICT.

2. THE SECRETARY,
VAZHAYOOR GRAMA PANCHAYATH,
KARAD PARAMBA POST - 673 632,
RAMANATTUKARA,
MALAPPURAM DISTRICT.

R1-2 BY ADV. SRI.P.V.KUNHIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 10938 of 2014 (N)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, VAZHAYOOR VILLAGE OFFICE DATED 26.07.2013.

EXHIBIT P2 : TRUE COPY OF THE ORDER NO.A2-55/14 DATED 04.04.2014 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P3 : TRUE COPY OF THE DATA BANK RELATING TO THE EXHIBIT P1 PROPERTY ISSUED BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, VAZHAYOOR, MALAPPURAM DISTRICT.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 10938 of 2014

Dated this the 09th day of January, 2015

JUDGMENT

In the light of the ratio laid down in **Gopalakrishnan v. State of Kerala** [2011 (3) KLT 317], the present writ petition is also disposed of on the same lines, applying the ratio laid down by the learned Division Bench in the said decision, thereby quashing Exhibit P2.

Consequently, the second respondent is directed to consider the application of the petitioner for building permission afresh, if necessary, by referring the matter to the District Town Planner, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within a period of six weeks from the date of receipt of a copy of this judgment.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-