

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 12346 of 2015 (P)

PETITIONER:

JOMON, S/O JOHNY, AGED 46 YEARS,
KANNANYIKKAL HOUSE, ARAMPILLY,
ANJOOR VILLAGE, THRISSUR TALUK.

BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA

RESPONDENTS:

1. KAIPARAMBU GRAMA PANCHAYAT
REP. BY ITS SECRETARY, PO MUNDOOR,
THRISSUR - 680 504.
2. THE SECRETARY, KAIPARAMBU GRAMA
PANCHAYAT REP. BY ITS SECRETARY,
P.O.MUNDOOR, THRISSUR - 680 504.

R1& R2 BY ADV. SRI.T.M.CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 12346/2015

PETITIONER'S EXHIBITS:

EXT. P1 TRUE COPY OF POSSESSION CERTIFICATE DATED 17.11.2014

EXT. P2 TRUE COPY OF BUILDING PERMIT DATED 15.1.2015

EXT. P3 TRUE COPY OF SHOW CAUSE NOTICE DATED 24.3.2015 ISSUED BY
THE SECOND RESPONDENT WITH ENGLISH TRANSLATION

EXT. P4 TRUE COPY OF PETITIONER'S REPLY DATED 27.3.2015 WITH
ENGLISH TRANSLATION

EXT. P5 TRUE COPY OF JUDGMENT DATED 15.1.2015 IN WPC 18870/2014

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.12346 of 2015 P

Dated this the 10th day of April, 2015

JUDGMENT

When the petitioner started constructing a residential building pursuant to Exhibit P2 building permit granted by the respondent Grama Panchayat, within no time the Grama Panchayat issued Exhibit P3 notice on 24.03.2015 requiring the petitioner to show cause why the Exhibit P2 building permit should not be cancelled, since the petitioner has not obtained the development permit. Pending consideration of the issue, the Grama Panchayat has also interdicted the petitioner from proceeding with further construction. Having submitted his explanation through Exhibit P4 dated 27.03.2015, the petitioner, approached this Court, questioning what is said to be a delay on the part of the respondent in considering the

petitioner's objections regarding Exhibit P3 show cause notice.

2. The learned counsel for the respondent Grama Panchayat has sought time to get instructions. The learned counsel for the petitioner, on the other hand, has submitted that with the fast approaching monsoon, unless the Grama Panchayat takes a decision expeditiously, the construction raised up to this time would go waste, and that for many months the petitioner could not carry on his construction activities.

3. Indeed, it cannot be held that there is any delay, much less inordinate delay on the part of the respondent Grama Panchayat in considering the petitioner's explanation submitted in response to Exhibit P3 show cause notice. At any rate, given the impending monsoon, the respondent Grama Panchayat may have to take an expeditious decision concerning the explanation given by the petitioner to Exhibit P3 show cause notice.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel, 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 P4 explanation given to Exhibit P3 show cause notice, keeping in view Exhibit P5 judgment, after affording an opportunity of hearing to the petitioner, 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. It is specifically observed that the petitioner shall not resume any construction until the Grama Panchayat passes orders on petitioner's Exhibit P4 explanation.

Dama Seshadri Naidu, Judge

tkv