

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

**THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936**

**WP(C).No. 12919 of 2014 (L)**  
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**PETITIONER :**  
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**JAYAPRAKASAN, AGED 39 YEARS, S/O NARAYANAN,  
ALATTE HOUSE, EDAKKALATHOOR P.O., THRISSUR 680552  
REPRESENTED BY THE POWER OF ATTORNEY HOLDER  
SUBRAMANIAN, S/O RAMAN, AGED 68 YEARS,  
MUNDAMKULANGARA HOUSE, KOLAZHI P.O,  
THRISSUR 680010, 2/429, POTTOR P.O,  
POTTOOR VILLAGE, THRISSUR**

**BY ADV. SRI.C.A.CHACKO**

**RESPONDENTS**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE SECRETARY TO GOVERNMENT,  
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT,  
THIRUVANANTHAPURAM**
- 2. KOLAZHY GRAMA PANCHAYATH,  
REPRESENTED BY THE SECRETARY, KOLAZHI P.O.,  
MULAKUNNATHUKAVU, THRISSUR 680581**
- 3. THE SECRETARY,  
KOLAZHY GRAMA PANCHAYATH, KOLAZHI P.O.,  
MULAKUNNATHUKAVU, THRISSUR 680581**

**\*ADDL. R4 IMPEADED :**

- \*4. THE VILLAGE OFFICER  
KUTTUR VILLAGE.**

**\*ADDL. R4 IS IMPEADED SUO MOTU AS PER ORDER DATED 18/08/2014.**

**R1 & ADDL. R4 BY GOVERNMENT PLEADER MR. G. GOPAKUMAR  
R2 & R3 BY ADVS. SRI.P.SANTHOSH (PODUVAL)  
SMT.R.RAJITHA  
SRI.K.D.SREEVISAKH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 15-01-2015 ALONG WITH WPC NO. 18870/2014, THE COURT  
ON THE SAME DAY DELIVERED THE FOLLOWING:**

**bp**

WP(C).No. 12919 of 2014 (L)

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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EXHIBIT P1: TRUE COPY OF THE SALE DEED DATED 10-01-2014 OF PETITIONER.

EXHIBIT P2: TRUE COPY OF TAX RECEIPT DATED 05-04-2014 ISSUED FROM  
KUTTUR VILLAGE.

EXHIBIT P3: TRUE COPY OF THE COMMUNICATION DATED 06-05-2014 OF 3RD  
RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT  
DATED 10-04-2013 IN WPC NO 20204/2012

RESPONDENT(S)' EXHIBITS : NIL.

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//TRUE COPY//

P.A.TO JUDGE

bp

**A.M.SHAFFIQUE, J**

**\* \* \* \* \***

**W.P.C.Nos.12919 & 18870 of 2014**

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Dated this the 15<sup>th</sup> day of January 2015

**J U D G M E N T**

Petitioners in these writ petitions have acquired certain items of property as per sale deed dated 10/01/2014 in Re-survey No.3/6P of Kuttur Village and settlement deed dated 05/04/2013 in Re-survey No.34/3P of Pottor village respectively. Applications for building permit submitted by the petitioners were rejected as per Ext.P3 calling upon the petitioners to produce the development permit and other documents relating to the same. Petitioners submits that at the time when they purchased the property, it was divided as house plots after laying internal roads and their land is paramba. Reference is made to the judgment dated 10/04/2013 in W.P.C.No.20204/2012 and connected case.

2. The applications for building permit of the petitioners were rejected on the ground that development permits have not been submitted. Prima facie, there is no

material to indicate that the lands were developed by the petitioners or any other person. Development permit is required only if the land is developed in accordance with the rules and only if any permission has been obtained to make such development that such a document can be insisted upon. It is apparently a question of fact. While considering an application for building permit, the Panchayath is bound to consider the nature of land as available in the data bank particulars prepared by the Local Level Monitoring Committee. Without caring to consider such matters, the applications cannot be rejected in limini in terms of Ext.P3. Under such circumstances, I am of the view that Ext.P3 in both writ petitions are liable to be set aside.

In the result,

- i) These writ petitions are allowed.
- ii) Ext.P3 in both writ petitions are set aside.
- iii) Panchayath authority is directed to consider the applications for building permit in accordance with the

procedure prescribed within a period of one month from the date of receipt of a copy of this judgment.

(sd/-)

**(A.M.SHAFIQUE, JUDGE)**

jsr



