

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

WP(C) .No. 13473 of 2015 (H)

PETITIONER:

1. SAIRABHANU, AGED 45 YEARS
W/O.SALAHUDHEEN, CHARIVUPURAYIDATHIL HOUSE, PERUNKULAM
EDAKKARA, NILAMBUR TALUK, MALAPPURAM DISTRICT.

2. RAJEENA, AGED 44 YEARS
W/O.KHASIM, CHARIVUPURAYIDATHIL HOUSE, PERUNKULAM
EDAKKARA, NILAMBUR TALUK, MALAPPURAM DISTRICT.

BY ADVS.SRI.P.SAMSUDIN
SRI.M.S.MOHAMMED ANSARY
SRI.K.C.ANTONY MATHEW
SRI.JITHIN LUKOSE

RESPONDENTS:

1. THE DISTRICT COLLECTOR, MALAPPURAM,
COLLECTORATE-676 505, MALAPPURAM.

2. THE VILLAGE OFFICER, EDAKKARA,
EDAKKARA PO-679 331, NILAMBUR TALUK
MALAPPURAM DISTRICT.

3. THE SECRETARY,
EDAKKARA GRAMA PANCHAYATH, EDAKKARA PO-679 331
NILAMBUR TALUK, MALAPPURAM DISTRICT.

4. ASHRAF,
S/O.SAID MOHAMMED, CHARIVUPURAYIDATHIL HOUSE
PERUNKULAM, EDAKKARA PO-679 331, NILAMBUR TALUK
MALAPPURAM DISTRICT.

SRI.ABDUL KHADER E.M., SR.GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

RKC

WP(C) .No. 13473 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS

EXT P1 : A TRUE COPY OF THE BUILDING PERMIT ISSUED BY EDAKKARA GRAMA PANCHAYATH TO THE 1ST PETITIONER.

EXT P2 : A TRUE COPY OF THE BUILDING PERMIT ISSUED BY EDAKKARA GRAMA PANCHAYATH TO THE 2ND PETITIONER.

EXT P3 : A TRUE COPY OF THE REQUEST DATED 10-12-2014 SUBMITTED BY THE FIRST PETITIONER BEFORE THE VILLAGE OFFICER, EDAKKARA.

EXT P4 : A TRUE COPY OF THE REQUEST DATED 10-12-2014 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 3RD RESPONDENT.

EXT P5 : A TRUE COPY OF THE COMPLAINT DATED 29-12-2014 SUBMITTED BY THE 4TH RESPONDENT BEFORE THE RDO PERINTHALMANNA.

EXT P6 : A TRUE COPY OF THE REPRESENTATION DATED 23-12-2014 SUBMITTED BY THE 1ST PETITIONER BEFORE THE DISTRICT COLLECTOR, MALAPPURAM.

EXT P7 : A TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT DATED 24-12-2014 TO THE 1ST PETITIONER.

EXT P8 : A TRUE COPY OF THE GO NO.12/2014 DATED 15-11-2014.

EXT P9 : A TRUE COPY OF THE PLAINT IN OS NO.38/2015 ON THE FILES OF THE MUNSIFF COURT, MANJERI

RESPONDENTS' EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE

P.V.ASHA, J.,

W.P.(C) No.13473 of 2015

Dated this the 5th day of May, 2015

JUDGMENT

The petitioners are aggrieved by the denial of permission for removal of soil from their own property for levelling their house plots. The petitioners have already approached the Village Officer with Ext.P3 representation. The petitioners have already been granted building permits by the Edakkara Grama Panchayat.

2. The petitioners rely on Ext.P8 Government Order in support of their claim for permission for removal of soil from their own property.

3. Heard the learned Government Pleader as well.

4. In the circumstances of the case, there shall be a direction to the Village Officer, Edakkara, the 2nd respondent herein, to consider and pass orders on Ext.P3 representation in accordance with law, taking into consideration Ext.P8 Government Order, within a period of three weeks.

The writ petition is disposed of accordingly.

Sd/-
P.V.ASHA,
JUDGE.

rkc