

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 14458 of 2014 (F)  
-----

PETITIONERS:  
-----

1. N.K.MOHAMMED,  
NECHIKKANDAN HOUSE, MOIDEENPADI, KOOTILANGADI P.O.,  
PERINTHALMANNA.
2. ABOOBACKER,  
NECHIKKANDAN HOUSE, MOIDEENPADI, KOOTILANGADI P.O.,  
PERINTHALMANNA.
3. ABBAS,  
NECHIKKANDAN HOUSE, MOIDEENPADI, KOOTILANGADI P.O.,  
PERINTHALMANNA.

BY ADVS.SRI.M.K.CHANDRA MOHANDAS  
SMT.K.K.RAZIA

RESPONDENTS:-  
-----

1. MANJERI MUNICIPALITY,  
REPRESENTED BY ITS SECRETARY, MANJERI  
MALAPPURAM DISTRICT - 676 121.
2. THE SECRETARY,  
MANJERI MUNICIPALITY, MANJERI  
MALAPPURAM DISTRICT - 676 121.

R BY SRI.K.SHIBILI NAHA, SC, MANJERI MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

WP(C).No. 14458 of 2014 (F)

-----

: 2 :

## **APPENDIX**

PETITIONERS' EXHIBITS:

-----

EXHIBIT P1. A COPY OF THE SALE DEED NO.3151/2005 OF MANJERI SUB  
REGISTRY.

EXHIBIT P2. A TRUE COPY OF THE LETTER NO.E3-18664/2012 DATED 01.01.2013  
ISSUED BY THE RESPONDENT MUNICIPALITY.

EXHIBIT P3. A TRUE COPY OF THE REPRESENTATION DATED 20.01.2014  
SUBMITTED BY THE PETITIONER TO THE RESPONDENT.

EXHIBIT P4. A TRUE COPY OF THE NOTICE NO.E3-18664/13 DATED 18.01.2014  
ISSUED BY THE RESPONDENT MUNICIPALITY.

EXHIBIT P5. A TRUE COPY OF THE JUDGMENT DATED 05.12.2013 IN W.P.(C)  
NO.25259/2013.

RESPONDENTS' EXHIBITS: NIL

-----

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

-----  
W.P. (C) No. 14458 of 2014 (F)  
-----

Dated this the 20<sup>th</sup> day of January, 2015.

JUDGMENT

In the light of the ratio laid down in Praveen v. Land Revenue Commissioner (2010 (2) KLT 617), this Court disposes of the writ petition on the same lines applying the ratio laid down by the learned Division Bench in the said decision, thereby setting aside Ext.P4.

Consequently, the second respondent is directed to consider the petitioners' application for building permission afresh, if necessary, by referring the matter to the District Town Planner, after subjecting the land in question to physical verification, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

