

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

WP(C).No. 14380 of 2015 (V)

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PETITIONER(S) :-

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BABU, AGED 49 YEARS, S/O.SEKARAN  
CHAKANALI HOUSE, ASTAMICHIRA, MALA  
THRISSUR

BY ADVS.SRI.A.C.DEVY  
SRI.LIJO VARGHESE

RESPONDENT(S) :-

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1. THE SECRETARY, MALA GRAMA PANCHAYATH  
THRISSUR - 680732.
2. GOVERNMENT OF KERALA  
REPRESENTED BY CHIEF SECRETARY, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.A.MOHAMED SAVAD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 12-05-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

jvt

WP(C).No. 14380 of 2015 (V)

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APPENDIX

PETITIONER(S) ' EXHIBITS :-

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P1:THE TRUE COPY OF THE SALE DEED DT.23.01.2008 OF SRO MALA.

P2:THE TRUE COPY OF THE ORDER DT.03.06.2014 ISSUED BY THE  
SECRETARY MALA PANCHAYAT.

P3:THE TRUE COPY OF THE PHOTOGRAPHS SHOWING THE NATURE AND STATUS  
OF THE LAND.

RESPONDENT(S) ' EXHIBITS :- NIL

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//TRUE COPY//

P.A. TO JUDGE

**A. MUHAMED MUSTAQUE, J.**

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**W.P.(C) No.14380 of 2015**  
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**Dated this the 12<sup>th</sup> day of May 2015**

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

The petitioner applied for building permit for construction. This was rejected as per Ext.P2 stating that as per the circular referred in the order, building permit cannot be granted. The petitioner impugnes the rejection order passed by the Panchayat.

2. Learned counsel for the petitioner submits that the Panchayat has to verify whether the land in which the proposed building is to be constructed would come within the ambit of the Kerala Paddy and Wet Land Act, 2008. It is submitted that the draft data bank also has to be verified before rejecting the application. It is also submitted that mere description of the property in the revenue records as 'Nilam' cannot be a reason to decline the building permit.

3. In that view of the matter, there shall be a direction to the first respondent to verify the nature of the property with the draft data bank. On being satisfied that the land is not included as 'paddy' or 'wet land' in the draft data bank, necessarily, petitioner's application has to be taken up in accordance with law

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and dispose of the same. Needful shall be done within a period of one month from the date of receipt of a copy of this judgment.

**Sd/-  
A. MUHAMED MUSTAQUE  
JUDGE**

Jvt