IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 15147 of 2014 (P)

PETITIONER :

K.P.BALAKRISHNAN, AGED 46 YEARS,
S/O. K.RAMAN NAIR, RESIDING AT SRIRAM, P.O.RAMANTHALI,
TALIPARAMBA TALUK, KANNUR DISTRICT.

BY ADVS.SRI.SAJU J PANICKER
SRI.O.V.MANIPRASAD

RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
URBAN AFFAIRS DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE CHIEF TOWN PLANNER,
THIRUVANANTHAPURAM.

3. THE DISTRICT TOWN PLANNER, KANNUR.

4. THE RAMANTHALI GRAMA PANCHAYAT
RAMANTHALI P.O., KANNUR DISTRICT, PIN-670308
REPRESENTED BY THE SECRETARY.

5. THE CHIEF AREA MANAGER,
INDIAN OIL CORPORATION LIMITED, INDANE AREA OFFICE,
2ND FLOOR, PMK TOWERS, CIVIL STATION P.O.,
WAYANAD ROAD, KOZHIKODE.

R1 TO R3 BY GOVERNMENT PLEADER SRI.G. GOPAKUMAR
R4 BY ADVS. SRI.M.V.AMARESAN
SRI.V.N.RAMESAN NAMBISAN
R5 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURYAN THOMAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

bp

WP(C).No. 15147 of 2014 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: **A TRUE COPY OF THE LETTER ISSUED BY THE 5TH RESPONDENT ON 28-12-2012.**

EXHIBIT P2: **A TRUE COPY OF THE LETTER DATED 03-04-2013 OF THE JOINT CHEIF CONTROLLER OF EXPLOSIVES, SOUTH CIRCLE OFFICE, CHENNAI.**

EXHIBIT P3: **A TRUE COPY OF THE LETTER DATED 21-05-2013 OF THE 4TH RESPONDENT.**

EXHIBIT P4: **A TRUE COPY OF THE LETTER DATED 05-11-2013 OF THE 2ND RESPONDENT.**

EXHIBIT P5: **A TRUE COPY OF THE LETTER DATED 05-11-2013 AND SUBMITTED TO THE MINISTER ON 06-11-2013.**

EXHIBIT P6: **A TRUE COPY OF THE LETTER DATED 21-11-2013 ADDRESSED TO THE 4TH RESPONDENT BY THE 2ND RESPONDENT.**

EXHIBIT P7: **A TRUE COPY OF THE LETTER DATED 20-11-2013 SUBMITTED TO THE 4TH RESPONDENT.**

EXHIBIT P8: **A TRUE COPY OF THE LETTER DATED 21-11-2013 OF THE 4TH RESPONDENT.**

EXHIBIT P9: **A TRUE COPY OF THE LETTER DATED 22-11-2013 OF THE 3RD RESPONDENT TO THE 2ND RESPONDENT.**

EXHIBIT P10: **A TRUE COPY OF THE LETTER DATED 03-12-2013 OF THE 4TH RESPONDENT.**

EXHIBIT P11: **A TRUE COPY OF THE NOTIFICATION DATED 25-09-1984 PUBLISHED ON 07-10-1984.**

EXHIBIT P12: **A TRUE COPY OF THE LETTER DATED 14-12-2013.**

EXHIBIT P13: **TRUE COPY OF THE LETTER DATED 05-02-2014 OF THE 4TH RESPONDENT.**

EXHIBIT P14: **A TRUE COPY OF THE LETTER DATED 14-02-2014 TO THE 3RD RESPONDENT.**

EXHIBIT P15: A TRUE COPY OF THE LETTER DATED 28-04-2014.

RESPONDENT(S)' EXHIBITS :

EXT.R3(A): COPY OF THE PETITIONER'S LETTER DT 14/2/2014.

EXT. R3(B): COPY OF THIS RESPONDENTS LETTER C-330/14 DT 04/3/2014.

//TRUE COPY//

P.S. TO JUDGE

bp

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 15147 of 2014

Dated this the 07th day of January, 2015

JUDGMENT

In the light of the ratio laid down in **Gopalakrishnan v. State of Kerala** [2011 (3) KLT 317], the present writ petition is also disposed of on the same lines, applying the ratio laid down by the learned Division Bench in the said decision, thereby quashing Exhibit P10.

Consequently, the fourth respondent is directed to consider the application of the petitioner for building permission afresh, if necessary, by referring the matter to the third respondent, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within a period of six weeks from the date of receipt of a copy of this judgment.

DAMA SESHADRI NAIDU
JUDGE

DMR/–