

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

WP(C).No. 15238 of 2015 (D)

PETITIONER(S):

**HIJITH. N.S., NEELAMBILLYVEEDU,
CHITTILAPPILLY P.O., THRISSUR - 680 551.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR),
SRI.K.R.ARUN KRISHNAN.**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE VELUR GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, OFFICE OF THE PANCHAYATH,
VALUR P.O., THRISSUR- 680 001.**

**R1 BY GOVT. PLEADER SRI.SHYSON P.MANGUZHA.
R2 BY ADVS. SRI.SANTHOSH P.PODUVAL,
SMT.R.RAJITHA.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: A TRUE COPY OF THE DOCUMENT BEARING NO.3320/2010 DATED 12/10/2010 OF THE THRISSUR S R O.
- P2: A TRUE COPY OF THE TAX RECEIPT ISSUED IN THE NAME OF THE PETITIONER DATED 26/08/2014.
- P3: A TRUE COPY OF THE POSSESSION CERTIFICATES ISSUED BY THE VILLAGE OFFICER DATED 03/11/2014.
- P4: A TRUE COPY OF THE LOCATION SKETCH ISSUED BY THE VILLAGE OFFICER, VELUR VILLAGE DATED NIL.
- P5: A TRUE COPY OF THE CONSENT TO ESTABLISH ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD, TO THE PETITIONER DATED 07/03/2014.
- P6: A TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DATED 12/11/2014.
- P7: A TRUE COPY OF THE FURTHER COMMUNICATION ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DATED 28/11/2014.
- P8: A TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DATED 20/01/2015.
- P9: A TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DATED 04/03/2015.
- P10: A TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 10/4/2015.
- P11: A TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER TO THE SECOND RESPONDENT DATED 20/03/2015.
- P12: A TRUE COPY OF THE APPLICATION FOR BUILDING PERMIT DATED 20/03/2015.
- P13: A TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DATED 20/03/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

=====

W.P(C) No.15238 of 2015

=====

Dated this the 1st day of June, 2015

JUDGMENT

This writ petition is filed seeking a direction to the second respondent in the matter of granting building permit to the petitioner.

2. The petitioner is aggrieved by the inaction on the part of the second respondent as the inordinate delay in considering his application for building permit has caused severe injuries to him.

3. The petitioner is the owner of 49.98 acres of property comprised in Sy. No.327/1 of Velur village. He wants to start a tread rudder unit by using 80 HP motor having capacity of 100 tones. Previously, a site inspection was conducted by the officials of the second respondent who asked the petitioner that he has to cure some defects.

4. The petitioner alleges that all the defects were cured and he resubmitted the application with all relevant documents. However,

the second respondent without conducting a fresh inspection in order to verify whether all the defects were cured or not, says that there is a complaint against the grant of D&O licence thereby delaying the application for building permit. It is with this background, the petitioner has come up before this Court.

5. The respondent panchayat has not filed any counter affidavit so far and they are seeking time to file the counter.

6. Arguments have been heard.

7. Evidently, what could be discerned from the submissions made is that the delay in granting permit is on account of the objections from some of the local inhabitants. Therefore, the proper course open to the respondent panchayat is to conduct a site inspection to satisfy themselves as to whether the claim of the petitioner is genuine and whether he has secured the requisite licence from the authorities concerned.

8. On inspection it is found by the respondent panchayat that

the petitioner is holding sufficient required clearance from the other authorities concerned, the application shall be considered and permit shall be granted to the petitioner. This shall be done within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj