

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 15240 of 2015 (D)

PETITIONER(S) :

**ISMAIL, S/O.MUHAMMED,
CHOLAMUKATH HOUSE, AMMINIKKAD P.O.,
PERINTHALMANNA, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA
SMT.D.S.THUSHARA
SRI.H.PRAVEEN (KOTTARAKARA)**

RESPONDENT(S) :

- 1. THAZHEKODE GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
MALAPPURAM DISTRICT- 686 697.**
- 2. LOCAL SELF MONITORY COMMITTEE,
THAZHEKODE GRAMA PANCHAYAT, REPRESENTED BY ITS
CONVENOR, AGRICULTURAL OFFICER, KRISHI BHAVAN, THAZHEKODE,
MALAPPURAM DISTRICT- 686 697.**
- 3. REVENUE DIVISIONAL OFFICER,
PERINTHALMANNA, MALAPPURAM DISTRICT- 679 322.**

R2 & R3 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 15240 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE DOCUMENT NO.3103/10 OF
SRO PERINTHALMANNA.**

EXHIBIT P2: TRUE COPY OF THE BASIC TAX RECEIPT DATED 22.08.2014.

EXHIBIT P3: TRUE COPY OF POSSESSION CERTIFICATE DATED 22.08.2014.

EXHIBIT P4: TRUE COPY OF THE RECEIPT ISSUED BY THE PANCHAYAT.

**EXHIBIT P5: TRUE COPY OF THE REPORT DATED 30.03.2015 BY THE
AGRICULTURAL OFFICER TO THE SECRETARY.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.15240 of 2015

Dated this the 25th day of May, 2015.

JUDGMENT

Aggrieved by non-consideration of petitioner's application for building permit by the respondent Panchayath, the petitioner has come up before this Court.

2. The petitioner alleges that he is in possession and enjoyment of 14.200 cents of property covered by Ext.P1 to P3. He had submitted an application for permit to construct building in the said property. According to the petitioner, the agricultural officer has submitted a report to the first respondent stating that there are trees aged 30 years standing in the property and there is no paddy cultivation in the property for the last 25 years. He alleged that no orders has been passed so far in the application for building permit.

2. Considering the nature of the prayer in the writ petition, this Court is of the view that the writ petition can be disposed of even without notice to the respondents.

Therefore, the writ petition is disposed of directing the respondent Panchayath to consider the petitioner's application for building permit relating to Ext.P4 receipt, after affording the petitioner an opportunity of being heard, within a period of one months from the date of receipt of a copy of this judgment. The application shall be considered after visiting the property and taking into account the ground reality regarding the cultivation of the property. To facilitate an earlier action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of the judgment before the first respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.