

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 15420 of 2015 (B)

PETITIONER(S) :

ASWATHY,
AGED 35 YEARS
D/O. THULASEEDHARAN PILLAI,
12, RESMI BHAVAN,
ERUMAKUZHI, NOORNAD - 390 504.

BY ADVS.SMT.ASHA ELIZABETH MATHEW
SRI.NIRMAL V NAIR.

RESPONDENT(S) :

PALAMEL GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, NOORNAD P.O.,
ALAPPUZHA DISTRICT -690 504.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE PROPERTY TAX RECEIPT DATED
25.7.2014.

EXHIBIT P2: TRUE COPY OF THE BUILDING PLAN SUBMITTED BY THE
PETITIONER FOR BUILDING PERMIT DATED 30.7.2014
BEFORE THE 1ST RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE3 COMMUNICATION DATED 11.9.2014
ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXHIBIT P4: A TRUE COPY OF THE REVISED PLAN PRODUCED BY THE
PETITIONER BEFORE THE RESPONDENT

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 15420 of 2015

Dated this the 26th day of May, 2015.

JUDGMENT

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

2. The petitioner is the title holder in possession of 10 cents of the property where she is now residing is not even having basic amenities including toilet facilities. The petitioner alleges that an application seeking building permit was submitted before the respondent as early as on 30.7.2014. For quite a long period, nothing was done on the said application. On 11.9.2014, the respondent asked the petitioner to produce a revised plan showing certain details. As required by the Panchayath, the petitioner submitted Ext.P4 plan. Thereafter, the Assistant Engineer of the respondent inspected the petitioner's property and got himself satisfied about the ownership of the site, site plan and other

requirement under Rule 11(1) of the Panchayat Building; it is alleged. However, no orders have been passed by the respondent as mandated by Rule 11 of the Building Rules. It is in this background, the petitioner has come up before this Court.

2. Today, when the matter came up for admission, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the Government to pass appropriate orders on the petitioner's application for building permit within a time frame.

3. Considering the nature of the submissions, this Court is of the view that the writ petition can be disposed of even without issuing notice to the respondent.

In the result, the writ petition is disposed of directing the respondent to consider and pass orders on the application for building permit submitted by the petitioner, after affording the petitioner an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment. To

facilitate an early 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 respondent Panchayath at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.