

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937**

**WP(C).No. 15699 of 2015 (J)**  
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**PETITIONER:**  
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**VISHNU MOHAN, S/O.A.V.MOHAN,  
AGED 28 YEARS, SANDHYA BHAVAN,  
VAYALAR P.O., CHERTHALA,  
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.AVANEESH KOYIKKARA  
SRI.LINDONS C.DAVIS**

**RESPONDENT(S):**  
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- 1. STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY,  
LOCAL SELF GOVERNMENT DEPARTMENT,  
THIRUVANANTHAPURAM - 695 001.**
- 2. VAYALAR GRAMA PANCHAYATH COMMITTEE,  
REPRESENTED BY ITS PRESIDENT,  
VAYALAR P.O. - 688 536.**
- 3. SECRETARY,  
VAYALAR GRAMA PANCHAYATH,  
VAYALAR P.O., - 6588 536.**

**R1 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**mbr/**

**WP(C).No. 15699 of 2015 (J)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
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- EXT.P-1:        TRUE COPY OF THE APPLICATION FOR BUILDING PERMIT  
                 DATED 15.11.2014.**
- EXT.P-2:        TRUE COPY OF RECEIPT DATED 15.11.2014.**
- EXT.P-3:        TRUE COPY OF THE GOVERNMENT CIRCULAR NO.4545/RA1/11/LSGD  
                 DATED 22.1.2011.**
- EXT.P-4:        TRUE COPY OF THE REFERENCE DATED 18.5.2015 BEFORE THE  
                 2ND RESPONDENT.**

**RESPONDENT(S)' EXHIBITS:                                -        NIL**  
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**/TRUE COPY/**

**P.S. TO JUDGE**

**mbr/**

**A.V. RAMAKRISHNA PILLAI, J.**

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W.P.(C) No.15699 of 2015  
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Dated this the 28<sup>th</sup> day of May, 2015.

**JUDGMENT**

Aggrieved by the non-consideration of Ext.P4 representation for building permit submitted by the petitioner before the respondent Panchayath, he has come up before this Court.

2. The petitioner is the owner of 4.84 cents of land comprised in Sy.No.198/13 A, within the local limits of Vayalar Grama Panchayath. The petitioner is intending to construct a new house in the said property. He has submitted Ext.P1 application for building permit and the same was acknowledged by the Panchayath and Ext.P2 receipt is issued. The petitioner alleges that no orders have been passed on Ext.P4. On enquiry by the petitioner with the respondent Panchayath, he was given to understand that the respondent is not willing to issue permit as the property was lying as paddy field decades back. According to the petitioner, the land does

not come under the provisions of the Kerala Conservation of Paddy Lands and Wet Lands Act, 2008. The petitioner further alleges that the application requires consideration in the light of Ext.P3 circular. It is with this background, the petitioner has come up before this Court.

3. Today, when the matter came up for hearing, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent Panchayat to consider and pass appropriate orders on Ext.P4 representation in the light of Ext.P3 circular.

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

Therefore, the writ petition is disposed of directing the respondent Panchayath to consider Ext.P4 representation in the light of Ext.P4 circular within a period of one month from the date of receipt of copy of the judgment, after affording the petitioner an opportunity of being heard. 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 this judgment before the respondent Panchayath at the earliest.

**Sd/-**  
**A.V. RAMAKRISHNA PILLAI**  
**JUDGE**

Scl.