

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. 16108 of 2015 (K)

PETITIONER:

**ANILKUMAR, PANAYAMPARAMBIL,
KECHERI P.O., ERANELLOOR,
THRISSUR.**

**BY ADVS.SRI.M.SASINDRAN
SRI.P.SASI
SRI.V.VENUGOPAL**

RESPONDENT(S):

- 1. THE THIRUNELLY GRAMA PANCHAYATH,
KATTIKULAM P.O. - 670 646,
WAYANAD DISTRICT,
REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY,
THIRUNELLY GRAMA PANCHAYATH,
KATTIKULAM P.O. - 670 646,
WAYANAD DISTRICT.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P-1: A TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE
2ND RESPONDENT.
- EXT.P-2: A TRUE COPY OF THE STOP MEMO ISSUED BY THE
2ND RESPONDENT TO THE PETITIONER.
- EXT.P-3: A TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER TO
EXT.P2 STOP MEMO.
- EXT.P-4: A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE PRESIDENT OF THE 1ST RESPONDENT
GRAMA PANCHAYATH.
- EXT.P-5: A TRUE COPY OF THE WRITTEN SUBMISSION MADE BY THE PEOPLE
OF THE LOCALITY WHERE THE CONSTRUCTION IS BEING EFFECTED
ALONG WITH THE AGREEMENT SUBMITTED BEFORE THE SECRETARY
OF THE GRAMA PANCHAYATH.
- EXT.P-6: A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT DATED 2.4.2015.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.V.RAMAKRISHNA PILLAI, J

WPC No.16108 of 2015

Dated this the 1st day of June, 2015

JUDGMENT

Aggrieved by Ext.P2 stop memo, on the basis of which the petitioner has submitted Ext.P3 objections, the petitioner has come up before this Court.

2. According to the petitioner, the petitioner is the absolute owner in possession and enjoyment of the property comprised in sl.No.9 of Thrissilery Village of Mananthavady Taluk in Wynad District. The petitioner, for the construction of a resort, submitted an application for building permit before the second respondent. The second respondent as per Ext.P1 building permit permitted the petitioner to construct the resort and the validity of the permit is up to 23.1.2017. While effecting construction in accordance with the building permit, some people in the locality raised objection regarding the construction on a misconceived notion that the construction carried out by the petitioner causes blocking

of the source of water. The second respondent issued Ext.P2 stop memo dated 24.9.2014 directing the petitioner to stop the construction and submit the reply within 7 days. The petitioner submitted Ext.P3 reply on 8.10.2014 stating that the petitioner has not violated any of the conditions in the permit and the construction is being carried out without affecting the ecological condition and requested the second respondent conducting physical verification of the site. On understanding the real facts, the people of the locality who preferred complaint earlier, submitted a written submission before the second respondent that they have no objection in the construction being carried out by the petitioner, as evidenced by Ext.P5. As per Ext.P6, the petitioner again requested the second respondent to consider Ext.P3 reply and permitted the petitioner to continue with the construction. Though Ext.P3 reply to Ext.P2 show cause notice was submitted on 8.10.2014, so far no decision has been taken by the second respondent even after lapse of 8 months. It is with this background

the petitioner has come up before this Court.

When the matter came up for hearing, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to consider Ext.P3 objection, after affording the petitioner an opportunity of being heard, in the light of Ext.P6 which is the last representation submitted by the petitioner withdrawing Ext.P5 representation submitted by the local people.

In the light of the nature of the relief sought for as well as the nature of the submission, this Court is of the view that this writ petition can be disposed of even without issuing notice to the respondent Panchayat.

Therefore, this writ petition is disposed of directing the respondent to consider Ext.P3 objections submitted by the petitioner and pass appropriate orders on Ext.P6, in the light of Ext.P5 representation withdrawing he complaints of the local people and after affording the petitioner an opportunity of being heard. This exercise shall be completed 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 this judgment as well as a copy of the writ petition before the second respondent.

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

css/

true copy

P.S.TO JUDGE