

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).NO. 16156 OF 2015 (T)

PETITIONER(S)/PETITIONERS:

- 1. KANCHANA AGED 54 YEARS
W/O. RAMANKUTTY, THACHAMPATTA HOUSE (VEERAMANGALAM)
CHERPULASSERY VILLAGE, OTTAPALAM TALUK
PALAKKAD DISTRICT, PIN CODE-679503.**
- 2. RAMANKUTTY AGED 62 YEARS
S/O. SHANKUNNY, THACHAMPATTA HOUSE (VEERAMANGALAM)
CHERPULASSERY VILLAGE, OTTAPALAM TALUK
PALAKKAD DISTRICT, PIN CODE-679503.**

**BY ADVS.SRI.D.GANESH KUMAR
SMT.K.I.KAVITHA**

RESPONDENT(S)/RESPONDENTS:

- 1. CHERPULASSERY GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY
CHERPULASSERY GRAMA PANCHAYATH, CHERPULASSERY
OTTAPALAM TALUK, PALAKKAD DISTRICT, PIN CODE-679503.**
- 2. THE ASSISTANT ENGINEER
LSGD OF CHERPULASSERY, GRAMA PANCHAYATH, CHERPULASSERY
OTTAPALAM TALUK, PALAKKAD DISTRICT, PIN CODE-679503.**
- 3. SANKARA NARAYANAN, AGED 40 YEARS
S/O. NEELAKANDAN MOOSATH, MANGALATH ILLAM
SREEKRISHNAPURAM AMSHOM OF CHERPULASSERY GRAMA PANCHAYATH
CHERPULASSERY, OTTAPALAM TALUK, PALAKKAD DISTRICT
PIN CODE-679503.**

**R1 BY ADV. SRI.T.C.SURESH MENON
R1 BY ADV. SRI.P.S.APPU
R3 BY ADV. SRI.M.P.RAMNATH
R3 BY ADV. SRI.P.RAJESH (KOTTAKKAL)
R3 BY ADV. SEI.M.VARGHESE VARGHESE
R3 BY ADV. SMT.UMA R.KAMATH
R3 BY ADV. SMT.S.SANDHYA
R3 BY ADV. SRI.BEPIN PAUL
R3 BY ADV. SRI.SHALU VARGHESE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
14-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1- TRUE COPY OF THE SALE DEED BEARING NO. 2809/1999 IN THE NAME OF THE PETITIONERS.**
- EXHIBIT P2- TRUE COPY OF THE POSSESSION CERTIFICATE BEARING NO. 3997/2014 DATED 01-11-2014 ISSUED BY VILLAGE OFFICER, CHERPULASSERY.**
- EXHIBIT P3- TRUE COPY OF OWNERSHIP CERTIFICATE BEARING NO. B2-12591/2014 DATED 01-01-2015 ISSUED BY THE SECRETARY, CHERPULASSERY GRAMA PANCHAYATH.**
- EXHIBIT P4- TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE CHERPULASSERY GRAMA PANCHAYATH SECRETARY.**
- EXHIBIT P5- TRUE COPY OF THE REPORT SUBMITTED BY ASSISTANT ENGINEER, LSGD, CHERPULASSERY GRAMA PANCHAYATH, PALAKKAD DISTRICT TO THE SECRETARY, CHERPULASSERY GRAMA PANCHAYATH.**

RESPONDENT(S)' EXHIBITS:

- EXT.R(3) - 1: PHOTOSTAT COPY OF THE PLAN OF PROPOSED RESIDENTIAL BUILDING SUBMITTED BY PETITIONERS BEFORE THE 1ST RESPONDENT PANCHAYATH.**
- EXT.R(3) - 2: PHOTOSTAT COPY OF THE NO-OBJECTION CERTIFICATE GRANTED BY THE 1ST RESPONDENT TO THE PETITIONERS TO ENABLE CONSTRUCTION BY THEM IN THEIR PROPERTY IN RE.SY.NO.438/4 OF CHERPULASSERY VILLAGE.**
- EXT.R(3) - 3: PHOTOSTAT COPY OF THE AMENDED PLAINT IN O.S.NO. 460/2014 PENDING BEFORE THE HON'BLE MUNSIF COURT OTTAPALAM FILED BY THE 3RD RESPONDENT HEREIN AS PLAINTIFF AND 1ST PETITIONER HEREIN AS 1ST DEFENDANT AND THE 1ST RESPONDENT HEREIN AS SUPPLEMENTARY 3RD DEFENDANT.**
- EXT.R(3) - 4: PHOTOSTAT COPY OF THE ADVOCATE COMMISSIONER'S REPORT WITH SKETCH DATED 20.12.2014 SUBMITTED BY ADV. RAMAKRISHNAN P.R. IN I.A. NO. 3430/2014 IN O.S.NO.460/2014.**
- EXT.R(3) - 5: COPY OF THE COMPLAINT DATED 06.08.2014 FILED BY THE 3RD RESPONDENT BEFORE THE 1ST RESPONDENT.**
- EXT.R(3) - 6: COPY OF THE STOP MEMO DATED 11.11.2014 ISSUED BY THE 1ST RESPONDENT PANCHAYATH AGAINST PETITIONERS.**
- EXT.R(3) - 7: COPY OF THE LETTER DATED 15.11.2014 ISSUED BY THE 1ST RESPONDENT TO THE SUB INSPECTOR OF POLICE, CHERPULASSERY.**

- EXT.R(3) - 8: COPY OF THE ORDER DATED 11.12.2014 IN FILE NO. B5 10828/2014 PASSED BY THE 1ST RESPONDENT WITHDRAWING THE STOP MEMO AGAINST PETITIONERS CONSTRUCTION.**
- EXT.R(3) - 9: COPY OF THE MEMORANDUM OR APPEAL FILED BY THE 3RD RESPONDENT HEREIN BEFORE THE HON'BLE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTION, THIRUVANANTHAPURAM AS APPEAL NO. 32/2015.**
- EXT.R(3) - 10: COPY OF THE INTERIM STAY ORDER DATED 08.01.2015 ISSUED BY THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM IN I.A. NO. 58/2015 IN APPEAL NO.32/2015.**
- EXT.R(3) - 11: COPY OF THE ADVOCATE COMMISSIONER'S REPORT DATED 08.05.2015 WITH THE SURVEYOR'S SKETCH ATTACHED ALONG WITH THE WARRANT OF COMMISSION, NOTICE ETC APPENDED THERETO AS FILED BY ADVOCATE COMMISSIONER B. MADHU BEFORE THE TRIBUNAL LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.**
- EXT.R(3) - 12: COPY OF THE SALE DEED NO.571/2007 OF S.R.O. CHERPULASSERY IN FAVOUR OF THE 3RD RESPONDENT.**
- EXT.R(3) - 13: COPY OF THE SALE DEED NO. 4814/2005 SRO, CHERPULASSERY EXECUTED BY KUTTIMAMMU TO ABDUL SAMAD.**
- EXT.R(3) - 14: COPY OF THE OWNERSHIP CERTIFICATE DATED 08.08.2000 ISSUED BY THE 1ST RESPONDENT PANCHAYATH TO KUTTIMAMMU IN RESPECT OF BUILDING NO.IV/610 A (NOW OWNED BY THE 3RD RESPONDENT).**
- EXT.R(3) - 15: COPY OF THE LETTER DATED 23.06.2015 ISSUED BY THE 1ST RESPONDENT STATING THAT THE BUILDING SITUATED IN THE 3RD RESPONDENTS PROPERTY IS MORE THAN 15 YEARS OLD.**
- EXT.R(3) - 16: PHOTOGRAPH SHOWING THE BUILDING OF THE 3RD RESPONDENT, WHEREIN M.S. REXINE CENTRE IS BEING CONDUCTED AND THE ILLEGAL CONSTRUCTION OF THE PETITIONERS TRESPASSING INTO THE 3RD RESPONDENT PROPERTY.**
- EXT.R(3) - 17: COPY OF THE BUILDING TAX PAID RECEIPT DATED 28.11.2006 OF THE PRESENT 3RD RESPONDENT'S BUILDING, WHEN OWNED BY ABDUL SAMAD AND THEN BEARING NO.4/610 A, AS ISSUED BY THE 1ST RESPONDENT PANCHAYATH.**
- EXT.R(3) - 18: COPY OF THE BUILDING TAX PAID RECEIPT DATED 24.03.2010 ISSUED IN RESPECT OF (OLD BUILDING NO.4/610 A) NEW NO. 12/1303 OF THE 3RD RESPONDENT ISSUED BY THE 1ST RESPONDENT PANCHAYATH.**
- EXT.R(3) - 19: COPY OF THE ORDER DATED 02.09.2015 OF THE HON'BLE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS IN APPEAL NO. 32/2015.**

- EXT.R(3) - 20: COPY OF THE BUILDING PERMIT ISSUED BY THE 1ST RESPONDENT PANCHAYATH TO THE 3RD RESPONDENT FOR THE CONSTRUCTION OF 2ND FLOOR AND BEARING NO. 2/09-10 AND DATED 03.04.2009.
- EXT.R(3) - 21: COPY OF THE RECEIPT DATED 25.06.2009 ISSUED BY THE 1ST RESPONDENT FOR RECEIVING THE COMPLETION CERTIFICATE FROM THE 3RD RESPONDENT.
- EXT.R(3) - 22: COPY OF THE PROPERTY TAX SETTLEMENT FORM OF COLLECTING MATERIAL (VASTHU NIKUTHI NIRNAYAM-VIVARA SEKHARANA FORM) IN RESPECT OF 3RD RESPONDENT'S BUILDING-OLD NO.12/1303 (NEW NO.13/515) HAS ISSUED BY THE 1ST RESPONDENT UNDER THE RIGHT TO INFORMATION ACT, 2005.
- EXT.R(3) - 23: COPY OF THE APPLICATION DATED 28.09.2015 FOR THE EXTRACT OF PROPERTY TAX REGISTER OF 3RD RESPONDENT'S BUILDING FORM 1998 TO 2015-16 AND THE REPLY DATED 01.10.2015 GIVEN BY 1ST RESPONDENT TO THE SAME.
- EXT.R(3) - 24: COPY OF THE QUERIES MADE UNDER RIGHT TO INFORMATION ACT UNDER FIRE NOC BEFORE THE 1ST RESPONDENT ON 29.05.2015.
- EXT.R(3) - 25: COPY OF THE REPLY DATED 11.06.2015 GIVEN BY 1ST RESPONDENT TO EXHIBIT R(3) - 24 QUERIES.

//True copy//

P.A. to Judge

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P.BHAVADASAN, J.

W.P.C. No. 16156 of 2015

Dated this the 14th day of October, 2015

J U D G M E N T

Indeed sad is the state of affairs as disclosed from the records of this case. The casual manner in which statements and affidavits are being filed before this Court really shock the conscience of this Court.

2. Now on to the facts.

The petitioners before this Court complained that in spite of putting up construction in violation of the Building Rules by the third respondent and even after the complaint was filed by the petitioner before the first respondent Panchayath produced as Ext.P4, no action was being taken by the Panchayath against the illegal construction. The details of the violation are narrated in the writ petition in paragraph 11. The grievance was that the second floor of the building put by the 3rd respondent is in gross violation of the Kerala Panchayath Building Rules, 2011. The 3rd

respondent is able to influence the Panchayath not to take any action against them. In support of his grievance, the petitioner relied on Ext.P5 issued by the Assistant Engineer, LSGD, observing that the second floor put up by the 3rd respondent is in gross violation of the Kerala Panchayat Building Rules, 2011. Ext.P5 states that the set back modes have been given a go by and the necessary precautions and measures have also not been taken. Finally, in Ext.P5, the author expresses his dismay regarding the manner in which completion certificate was issued highlighting that the construction was in gross violation of the Building Rules.

3. Based on Ext.P5, the petitioner sought for the following reliefs:

“1. To call for file/records bearing the office letter No. 10969/2014 dated 14.11.2014 pending before the 1st respondent, cherpulassery Grama Panchayath, Palakkad District and

2. Issue appropriate writ, order or direction commanding the respondents 1 and 2

to initiate demolition proceedings on the basis of the report of the 2nd respondent pending file/records bearing office letter No.10969/2014 dated 14.11.2014 of the 1st respondent, within a time limit to be fixed by this Honourble Court.

3. Petitioner is to be granted such other reliefs, which are appropriate and incidental to this writ petition.

4. Grant such other reliefs as this Honourable Court may deem fit and proper in this circumstances of the case, including compensatory cost considering the peculiar circumstances of the case.”

4. The petitioner also relies on Ext.P4, a complaint said to have been filed by him before the Grama Panchayath exposing the illegal acts committed by the 3rd respondent in putting up the structure complained of.

5. The 3rd respondent entered appearance and filed a counter affidavit. In the counter affidavit, he pointed out that the allegations in the petition are patently false and are contrary to the true facts and state of affairs. It is pointed out that the plan of proposed building submitted by the

petitioners before the first respondent is marked as Ext.R(3)

- 1. Even though Ext.R3(1) is shown in respect of a residential building, the actual intention is to put up a commercial building. The no objection certificate granted by the first respondent to the petitioners is produced as Ext. R (3)-2. The 3rd respondent in the counter affidavit pointed out that the construction effected by the petitioners is not only in absolute violation of the Kerala Panchayath Raj Act and Kerala Panchayath Building Rules, 2011, but also trespassing into the 3rd respondents property comprised in Re.Sy.No. 438/3. Due to the said act of the petitioner in the writ petition, the 3rd respondent was constrained to file O.S.No. 460/2014 before the Munsiff's Court, Ottappalam seeking reliefs to demolish the illegal constructions put up by the petitioners and for other ancillary reliefs. A commissioner was deputed in O.S.No. 460/2014, who after inspection has filed a report and plan which is produced as Ext.R(3) - 4. Based on Commissioner's report, the 3rd respondent filed a

complaint before the first respondent against the illegal construction done by the petitioners. The 3rd respondent came to understand that a stop memo was issued to the petitioners, a copy of which is produced as Ext.R(3) - 6. In spite of the stop memo, the petitioners continued construction and therefore, a letter was issued by the first respondent dated 15.11.2014 to the Sub Inspector of Police, Cherpulassery to stop the illegal construction being proceeded with by the petitioners. A copy of the said letter is produced as Ext.R(3) - 7. The third respondent points out that such high is the influence yielded by the petitioner that he was able to have the stop memo withdrawn without even hearing the 3rd respondent who had complained about the illegal construction. The said order is produced as Ext.R(3) - 8. Convinced that the 1st respondent is acting on extraneous consideration in the matter, the third respondent filed an appeal against Ext.R(3) - 8 order before the Tribunal for Local Self Government Institutions. A copy of the

memorandum of appeal is produced as Ext.R(3) - 9. In the appeal, an interim order was passed staying the withdrawal of stop memo. Therefore during the pendency of appeal, the stop memo again came into force. True copy of the interim order passed by the Tribunal is produced as R(3)-10. Before the Tribunal also, an Advocate Commissioner was appointed with Surveyor's assistance and he had visited the property and filed a detailed report with sketch. Ext.R(3) - 11 is the sketch and report. That discloses the construction put up by the petitioner not only violates the Building Rules applicable to the area but also encroaches into a portion of the property belonging to the third respondent.

6. This prompted the petitioner to influence the second respondent and he managed to obtain a communication of the nature as Ext.P5 in the petition. The 3rd respondent points out that Ext.P5 has been issued without adverting to the true facts and without looking into the records. The 3rd respondent has purchased the property

as per document No.4814/2005 which is produced as Ext.R (3) - 13. Ext. R(3) - 13 would show that a building was existing at that point of time. The 3rd respondent has categorically stated in his affidavit that the objectionable construction now noticed by the second respondent has been carried out long before the Building Rules came into force in the Panchayath area and therefore Ext.P5 is improper and illegal. It was procured by the petitioner as a counter blast to the proceedings initiated by the third respondent against the illegal constructions put up by the petitioner. Pointing out that the petitioner is not entitled to any reliefs, the third respondent prayed for a dismissal of this petition.

7. The appeal filed by the third respondent as appeal No. 32/2015 before the Tribunal for Local Self Government Institutions was disposed of by order dated 02.09.2015. The operative portion of the order reads as follows:

“In the result, the impugned notice is set

aside and appeal allowed. It is open for the respondents 2 and 3 to complete the construction by providing sufficient set back as per the sketch prepared by the surveyor which is produced along with the Commissioner's report or he may take out a survey commission afresh and fix the boundary of the property of the appellant and that of the respondents 2 and 3 and thereafter complete the construction as per the boundary so fixed by leaving sufficient set back from the western boundary of their property."

8. In the light of the documents produced by the third respondent, this Court passed an order dated 14.09.2015 expressing the difficulty to understand how the 3rd respondent would be accused of having violated the Building Rules for putting up the construction and the certificate issued by the 2nd respondent produced as Ext.P5. This Court therefore directed the author of Ext.P5 to appear before this Court in person on 28.09.2015.

9. He entered appearance in person and tried to justify Ext.P5. He tried to wriggle out the situation by

pointing out that Ext.P5 is true and the only error committed by him is that it was not mentioned in the said communication that it related to the second floor and in all other respect, the facts stated therein are true and correct.

10. The second respondent filed a counter affidavit supporting Ext.P5 before this Court. In the counter affidavit filed by the second respondent it is categorically stated that the additional floor put up by the 3rd respondent is without obtaining a building permit from the Panchayat and after completion of interior construction, he had applied to the Panchayath for regularization and he obtained a separate building number for the same. It is further stated in the counter affidavit filed by the second respondent that the said application was rejected by the Panchayat since the construction was in violation of the Kerala Municipal Building Rules, 1999 applicable to the Panchayath. He relied on Rule 56(3j) of the Kerala Municipality Building Rules in support of his stand that the construction put up by the third

respondent is illegal and contrary to the rules.

11. Taken aback by the counter affidavit filed by the second respondent, the third respondent filed an additional counter affidavit dated 08.10.2015, wherein he produced the application filed by him for construction and the permit granted to him for putting up the structure. It was contended on behalf of the third respondent that the constructions were made during the period when Building Rules were not applicable and the stand taken by the 2nd respondent cannot be justified and cannot have support of law.

12. In the light of the additional counter affidavit filed by the 3rd respondent, the learned counsel appearing for the first respondent sought time to verify the records and to file additional affidavit if necessary. Subsequently, the first respondent Panchayath has filed a counter affidavit dated 13.10.2015 wherein, the Secretary of the Panchayat points out that the earlier counter affidavit was filed in a hurry and

it was filed without looking into the records and based on oral information gathered by the Secretary. Later on, the entire file related to the construction made by the 3rd respondent was traced out and it is now conceded in the additional counter affidavit filed by the first respondent that the 3rd respondent was given a building permit as early as on 03.04.2009. The first respondent Panchayat retraced his steps completely and filed a fresh additional counter affidavit wherein, it is conceded that there is no violation in the construction made by the 3rd respondent and the statements made earlier by the first respondent was on a misunderstanding and on wrong information received by the Secretary. The Secretary has tendered unconditional apology before this Court for the mistake committed by him in filing the statement dated 6.10.2015.

13. The 3rd respondent has filed a petition to receive additional documents as Exts. R(3) - 24 and R(3) - 25. Therein, certain information was gathered by the 3rd

respondent as per Right to Information Act regarding the necessity to provide certain safe guards in the building he had already put up. The reply received by him is that security measures made mention of in his query need not be complied with.

14. When the matter was taken up today, the counsel appearing for the petitioner wanted to file a further affidavit in view of the contradictory stand taken by the first respondent in the two affidavits and supporting the constructions put up by the 3rd respondent.

15. It is evident from the above narration that Ext.P5 was issued quiet indifferently and without referring to the documentary materials and records available with the Panchayath. This Court is compelled to observe that it was a deliberate ploy adopted to favour the petitioner. It may be noticed here that the petitioner had initiated proceedings against the 3rd respondent as a retaliatory measure for the complaint filed by the 3rd respondent before the Panchayat

against the construction activity undertaken by the petitioner. It is indeed sad that the second respondent even after being summoned by this Court did not bother to look into the records and verify whether Ext.P5 is true and correct. So is the case of the Panchayath also. When the 3rd respondent produced the relevant documents, things took a different turn and the Panchayath frantically searched for the file and found that there is nothing wrong in the construction put up the 3rd respondent. That is evident from the additional counter affidavit filed on behalf of the first respondent Panchayath dated 13.10.2015.

16. One can only pity the deplorable state of affairs in which matters are being attended to by both the Panchayat and its officers. One shudders to think about the consequences had this Court disposed of the original petition at the threshold itself relying on Ext.P5 issued by the second respondent. Fortunately for the 3rd respondent, he was able to produce before this Court various documents

which would show that his construction was proper and not in violation of any of the Building Rules as is alleged in the writ petition. The third respondent also produced a copy of the order in appeal passed by the Tribunal against the order passed in favour of the petitioner withdrawing the stop memo.

17. The less said the better about the state of things that had transpired before this Court. As things now stand, it is evident that the stand of the first respondent Panchayath is that the construction put up by the 3rd respondent is in perfect order and the violation noticed in Ext.P5 is without any basis and is contrary to the fact. If the above mentioned is the attitude of the Panchayath and its officers towards the court, one can only say let the god save the common man. Indeed tremendous must be the harassment that a common man faces at the hands of the Panchayath Officers who are called upon to undertake welfare measures for the common man.

18. This Court should remind itself that while dealing with a petition under Article 226 of the Constitution of India, this Court is not expected to make a in depth enquiry into disputed questions of facts.

19. The complaint of the petitioner now is that even the Panchayath is supporting the third respondent and he wants further enquiry and probe into the matter. That is not possible in a writ petition under Article 226 of the Constitution of India. He cannot embark on a fishing expedition at the expense of this Court for almost a non existing cause. In the light of the materials now available before court, especially, the counter affidavit filed by the first respondent Panchayath dated 13.10.2015, it is quiet evident that Ext.P5 cannot survive and that the grievances based on Ext.P2 are baseless and without foundation.

20. It is neither proper nor advisable to prolong the matter further without any justification in the light of the stand taken by the Panchayath. Normally, this Court should

have initiated action against the Secretary of the Panchayath and the second respondent for the way in which they filed counter affidavits before this Court without advertng to the records and materials available in the Panchayath Office. It more so in the case of the second respondent who had the audacity to stick to his stand even when he was summoned to appear in person before this Court. But this Court should restrain itself from overstepping limits and should take a reasonable approach in the matter. True, the attitude of the Panchayath and the conduct of the second respondent needs to be deprecated and condemned. Whatever that be, in the light of the counter affidavit dated 13.10.2015 tendering unconditional apology to the earlier counter affidavit filed, it is felt that matter need not be kept pending further and it needs to be given a quietus.

21. In the light of the stand taken by the Panchayath in the counter affidavit dated 13.10.2015, it is quiet evident

that as of now, the petitioner has no cause of action against the third respondent and the grievance based on Ext.P5 is non-existent and baseless.

22. For the above reasons, this writ petition is dismissed. If the petitioners are aggrieved by any act committed by the Panchayath, they may pursue their remedies before the appropriate forums in accordance with law, if he is entitled to do so.

There will be no order as to costs.

Sd/-
P.BHAVADASAN
JUDGE

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P.BHAVADASAN, J.

W.P.C. No. 16156 of 2015

Dated this the 14th day of September, 2015

O R D E R

Ext.P5 report submitted by the Assistant Engineer, LSGD, Cherpulassery Grama Panchayath shows that the building of the 3rd respondent herein has been constructed in violation of the Kerala Panchayath Building Rules, 2011 and he laments as to how the sanction and completion certificate could have been granted. It is significant to notice that the 3rd respondent before this Court has produced his title documents which would show that the building has been constructed long prior to the Act came into force i.e. the Kerala Panchayath Building Rules, 2011. In fact, there were proceedings before the Tribunal concerned regarding this matter and there, the Commissioner appointed has tentatively noted that the building owned by the 3rd respondent is nearly 20 years old. Under these

circumstances, one fails to understand as to how the officer concerned could have reported that the building is in violation of Kerala Panchayath Building Rules, 2011 and how the sanction can be granted for completion.

In the light of these facts, the Assistant Engineer, LSGD, Cherpulassery Grama Panchayath, Palakkad, who issued Ext.P5 certificate, is directed to appear before this Court in person on 28.09.2015 at 10.15 a.m..

Post on 28.09.2015.

**P.BHAVADASAN
JUDGE**

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