

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 16988 of 2015 (W)

PETITIONER :

SUMAL SUNNY, AGED 32 YEARS,
S/O.LATE SUNNY, VILLAN HOUSE,
PUDUKKAD, THRISSUR

BY ADVS.SMT.ASHA K.SHENOY
SRI.PRATAP ABRAHAM VARGHESE

RESPONDENTS: -

1. PARAPPOOKKARA GRAMA PANCHAYATH,
NANDIKKARA P O, THRISSUR 680301,
REPRESENTED BY ITS SECRETARY.
2. THE SECRETARY,
PARAPPOOKKARA GRAMA PANCHAYATH,
NANDIKKARA P O., THRISSUR 680301.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16988 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF REGISTERED DEED (No. 4957 OF 1997) OF NELLAYI SUB REGISTRY.

EXHIBIT P2 : TRUE COPY OF REGISTERED DATED 25/8/2011 OF NELLAYI SUB REGISTRY.

EXHIBIT P3 : TRUE COPY OF REGISTERED DEED NO 4246/1/2013 DATED 25/9/2013.

EXHIBIT P4 : TRUE COPY OF PLAN SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P5 : TRUE COPY OF LETTER DATED 17/3/2015 FROM THE 2ND RESPONDENT TO THE PETITIONER.

EXHIBIT P6 : TRUE COPY OF THE LETTER DATED 25/4/2015 FROM THE 2ND RESPONDENT TO THE PETITIONER.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

A.V. RAMAKRISHNA PILLAI,J.

W.P.(c) No. 16988 of 2015

Dated this the 08th day of June, 2015

JUDGMENT

Aggrieved by the delay in considering the petitioner's application for building permit, he has come up before this Court.

2. The petitioner is the owner of 5.26 Ares in Sy. No. 1005/2 and 7.69 Ares in Sy. No. 1007/2 of Parappookkara Village. He had sought building permit for constructing a storage house in the above property, which is situated in Parappookkara Grama Panchayat. The second respondent Secretary initially noted the application as defective for failure to provide parking space and non compliance of Rule 60 (3), (4) and (6) of the Kerala Panchayat Building Rules. But, when the said defects were cured, the Secretary alleged violation of Rule 60 (3) and failure to provide access to the building. Though the petitioner had cured the said defects as

well, the second respondent has not issued the requisite building permit so far; it is alleged.

3. As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent to consider his application dated 28.02.2015, this Court is of the view that this writ petition can be disposed of even without issuing notice to the respondents.

Therefore, this writ petition is disposed of directing the second respondent to consider petitioner's application dated 28.02.2015 and pass appropriate orders thereon 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, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the second respondent at the earliest.

A.V. RAMAKRISHNA PILLAI
JUDGE

DMR/-