

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. 16995 of 2015 (Y)

PETITIONER: -

M/S. TIXI DEVELOPERS & INFRA STRUCTURES PVT LTD,
MALAPPURAM ROAD, KOTTAKKAL,
MALAPPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR, NOUSHAD ALI

BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E)

RESPONDENTS: -

1. THE SECRETARY,
PONMALA GRAMA PANCHAYAT
CHAPPANANGADI,
MALAPPURAM 676503.
2. THE PONMALA GRAMA PANCHAYAT,
CHAPPANANGADI, MALAPPURAM DISTRICT – 676503,
REPRESENTED BY ITS SECRETARY

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. 16995 of 2015 (Y)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE PHOTO COPY OF GRAPHIC REPRESENTATION OF THE
PROPOSED CONSTRUCTION.

EXHIBIT P2 : TRUE PHOTO COPY OF THE MODIFIED INTERIM ORDER DATED
11/11/2014 OF THIS HON'BLE COURT IN IA NO 15128/2014 IN WPC NO
19378/2014.

EXHIBIT P3 : TRUE PHOTOSTAT COPY OF THE JUDGMENT DATED 17/3/2015 IN
CONT.CASE (C) NO 149/2015 OF THIS HON'BLE COURT.

EXHIBIT P4 : TRUE COPY OF THE PROVISIONAL ORDER DATED 8/1/2015 ISSUED
BY THE 1ST RESPONDENT.

EXHIBIT P5 : TRUE COPY OF THE APPLICATION FOR REGULARIZATION DATED
7/3/2015 BY THE PETITIONER.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

A.V. RAMAKRISHNA PILLAI,J.

W.P.(c) No. 16995 of 2015

Dated this the 08th day of June, 2015

JUDGMENT

Alleging that the first respondent is not accepting the petitioner's application for regularization, the petitioner has come up before this Court.

2. The petitioner is a private limited company which owns an extent of 0.0504 Hectares of land in Re.Sy. No. 188/1 of Ponmala Village, vide Sale Deed bearing No. 5348/2011. The said Sale Deed was executed on 19.12.2011. Though the petitioner, initially, proposed for construction of an apartment complex in the said land, later, the said plan was dropped. The petitioner, instead, constructed a small residential building with a total plinth area of 106.30M2. After the construction, the petitioner has approached the first respondent with application for regularization of the said building. However, the first

respondent is not accepting the said application and processing the same.

3. 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 Exhibit P5.

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

Therefore, this writ petition is disposed of directing the first respondent to consider and pass appropriate orders on Exhibit P5 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 first respondent at the earliest.

A.V. RAMAKRISHNA PILLAI
JUDGE

DMR/-