

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYASHTA, 1937

WP(C).No.17314 of 2015 (L)

PETITIONER:

**ANEESH,S/O.SOMASUNDARAN,THOTTUNGAL HOUSE,
MAYANUR,NOW WORKING AT WELCOCITY,AHEMADBAD,
REPRESENTED BY HIS POWER OF ATTORNEY,
SOMASUNDARAN,S/O.T.M.VELU,THOTTUNGAL HOUSE,
MAYANNUR PO-679105,THALAPPALLY TALUK,TRICHUR DISTRICT.**

BY ADV.SRI.JOSHI N.THOMAS

RESPONDENT'S:

- 1. STATE OF KERALA,REPRESENTED BY ITS SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT,THIRUVANANTHAPURAM-695001.**
- 2. KONDAZHI GRAMA PANCHAYAT,
P.O.KONDAZHI,TRICHUR DISTRICT,
PIN-679106,REPRESENTED BY ITS SECRETARY.**
- 3. THE VILLAGE OFFICER,MAYYANNOOR VILLAGE,
MAYANNOOR P.O,PIN-679105,THRISSUR DISTRICT.**

R1 & R3 BY GOVT. PLEADER SMT.K.A.SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- P1: TRUE COPY OF THE POWER OF ATTORNEY DATED 26.03.2013.
- P2: TRUE COPY OF THE SETTLEMENT DEED NO.3297/1/2011
DATED 23.11.2011 OF PAZHAYANNOOR SUB REGISTRY OFFICE.
- P3: TRUE COPY OF THE TAX RECEIPT DATED 29.05.2014 ISSUED BY THE 3RD
RESPONDENT.
- P4: TRUE COPY OF THE POSSESSION CERTIFICATE DATED 18.06.2014
ISSUED BY THE 3RD RESPONDENT.
- P5: TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 21.03.2012
ISSUED BY THE 2ND RESPONDENT.
- P6: TRUE COPY OF THE REGULARIZATION OF BUILDING PLAN
DATED 21.03.2012 SUBMITTED BY THE PETITIONER TO THE 2ND
RESPONDENT.
- P7: TRUE COPY OF THE LETTER DATED 03.09.2013 ISSUED BY THE 2ND
RESPONDENT.
- P8: TRUE COPY OF THE LETTER DATED 26.06.2014 ISSUED BY THE 2ND
RESPONDENT.
- P9: TRUE COPY OF THE CIRCULAR NO.4545/RA/1-11/LSG
THIRUVANANTHAPURAM DATED 22.01.2011 ISSUED BY THE 1ST
RESPONDENT.
- P10: PHOTOGRAPH SHOWING THE CONSTRUCTED BUILDING AND NEARBY
FUNCTIONING SHOP.
- P11: TRUE COPY OF THE REPRESENTATION DATED 29.11.2014 SUBMITTED BY
THE POWER OF ATTORNEY HOLDER TO THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.17314 of 2015

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Dated this the 10th day of June, 2015

JUDGMENT

Alleging that Ext.P11 application submitted by the petitioner has not been disposed of by the first respondent, the petitioner has come up before this Court.

2. The petitioner was assigned 25 cents of property vide Ext.p2 settlement deed. The petitioner alleges that the property covered by Ext.P2 is a paddy land, which was converted to dry land more than several years ago. He applied for permit to the second respondent for construction of a building. Ext.P5 NOC was granted for the construction.

3. However, by Exts.P7 and P8, the request for allotment of building number was rejected on the ground that no objection was granted for construction of the house. The petitioner points out that Ext.P9 circular issued by the first respondent justify the request for

construction of commercial building completed as per Ext.P6 plan.

The petitioner further points out that this Court had occasion to consider similar situation in W.P(C) No.29419 of 2013 wherein the petitioner was granted relief. The petitioner alleges that he is also similarly situated like that of the petitioner in that writ petition.

4. Ext.P11 petition was submitted to the first respondent to condone the lapse and to direct the second respondent to allot building number to the building constructed pursuant to Ext.P5 in Ext.P2 property. However, the same has not been disposed of. Hence, this writ petition.

5. Heard the learned counsel for the petitioner and learned Government Pleader in the matter.

6. The learned counsel for the petitioner has confined his argument to the limited prayer for a direction to the respondents for an early disposal of Ext.P11. 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 second respondent.

Therefore, the writ petition is disposed of directing the first respondent to consider and pass orders on Ext.P11 within a period of one month from the date of receipt of a copy of this judgment after affording the petitioner and the second respondent an opportunity of being heard.

To facilitate early action, it shall be open to the petitioner to produce a copy of this judgment as well as copy of the writ petition before the respondent concerned at the earliest.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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