

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 JYAISHTA, 1937

WP(C).No. 17375 of 2015 (V)

PETITIONER(S):

**A.H. MUHAMMED KUTTY, S/O.HYDREW,
AGED 60 YEARS, RESIDING AT ARANGATH PARAMBIL,
KUMARANELLOOR, ONNAMKALLU, THALAPPILLY,
THRISSUR.**

BY ADV. SRI.T.RAJASEKHARAN NAIR.

RESPONDENT(S):

- 1. WADAKKANCHERY GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
WADAKKANCHERY P.O., THRISSUR- 680 582.**
- 2. THE PRESIDENT,
WADAKKANCHERY GRAMA PANCHAYATH,
WADAKKANCHERY P.O., THRISSUR- 680 582.**

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: A TRUE PHOTOCOPY OF THE SETTLEMENT DEED EXECUTED IN FAVOUR OF THE PETITIONER.**
- P2: A TRUE PHOTOCOPY OF THE TAX REMITTED BY THE PETITIONER FOR THE CURRENT YEAR.**
- P3: A TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- P4: A TRUE PHOTOCOPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT.**
- P5: TRUE PHOTOCOPY OF THE EXPLANATION GIVEN BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**
- P6: A TRUE PHOTOCOPY OF THE RESOLUTION DATED 07/03/2015 PASSED BY THE RESPONDENT PANCHAYAT.**
- P7: A TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**
- P8: A TRUE PHOTOCOPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.**

RESPONDENT'S EXHIBITS:- **NIL.**

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 17375 of 2015

Dated this the 10th day of June, 2015

J U D G M E N T

The petitioner is seeking a direction to the respondent panchayath to consider Ext.P7 in the light of Ext.P6.

2. The petitioner had obtained 96.5 cents of property in Sy.No.21/3 of Kumarenaloor Village by way of settlement deed executed by his sons. He alleges that thereafter, he effected mutation of the said property and is paying property tax regularly. According to the petitioner, it is in the nature of dry land though it is stated as 'nilam' in the records, which has well defined boundaries with an iron gate installed in its entrance. As the pillars used for fixing the said gate is dilapidated, the petitioner started construction of the said pillars. Then, certain persons having personnel grudge against the petitioner came and obstructed the same by raising false

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contentions; it is alleged. Thereafter, the petitioner submitted a representation before the 2nd respondent requesting to grant permission for reconstructing the pillars for fixing the gate. In the meanwhile, the petitioner received Ext.P4 notice from the 1st respondent asking to stop the construction activities since a complaint has been received from one Hassan. The petitioner stopped the construction and submitted a detailed explanation against Ext.P4 notice before the 1st respondent explaining the facts regarding construction, on the basis of which, it was found that there was no illegality or any encroachment in the matter of construction of pillars. Accordingly, the panchayath committee has passed Ext.P6 resolution by granting permission for the construction. On the basis of Ext.P6, the petitioner submitted Ext.P7 application before the 1st respondent requesting to grant permission, which did not evoke any positive response. Hence, this writ petition.

3. Arguments have been heard.

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4. When the matter was taken up, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondents to consider Ext.P7 application within a time frame.

Considering the nature of the prayer and the nature of submission, the writ petition is disposed of directing the respondents to consider and pass appropriate orders on Ext.P7 in the light of Ext.P6 resolution within a period of two weeks 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 respondents at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-