

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 17663 of 2015 (G)

PETITIONER(S):

UMMER.M.K., AGED 50 YEARS
MANTHIYIL HOUSE, MANKARA, POST ENKAKAD
THRISSUR DISTRICT, PIN-680 589.

BY ADV. SRI.P.BHASKARAN

RESPONDENT(S):

1. WADAKANCHERY GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY
POST, WADAKANCHERY PIN-680 582, THRISSUR DISTRICT.
2. THE SECRETARY
WADAKANCHERY GRAMA PANCHAYATH
POST WADAKANCHERY, PIN-680 582, THRISSUR DISTRICT
3. THE REVENUE DIVISIONAL OFFICER,
THRISSUR-680 003

R1-R2 BY ADV. SRI.SANTHOSH P.PODUVAL
R1-R2 BY ADV. SMT.R.RAJITHA
R1-R2 BY ADV. SRI.K.D.SREEVISAKH
R BY SR. GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF THE DATA BANK PUBLISHED BY THE 3RD RESPONDENT.
- P2 : TRUE COPY OF THE ORDER DATED 21-11-2014 ISSUED BY THE 3RD RESPONDENT.
- P3 : TRUE COPY OF THE APPLICATION AND BUILDING PLAN SEEKING PERMIT.
- P4 : TRUE COPY OF THE COMMUNICATION DATED 4-10-2014 ISSUED BY THE 1ST RESPONDENT.
- P5 : TRUE COPY OF THE REPRESENTATION DATED 25-11-2014 SUBMITTED BY THE PETITIONER.
- P6 : TRUE COPY OF THE COMMUNICATION DATED 7-2-2015 ISSUED BY THE 1ST RESPONDENT.
- P7 : TRUE COPY OF THE COUNTER AFFIDAVIT IN WPC.NO.32478/2014 DATED 24-3-2015.
- P8: TRUE COPY OF THE TAX RECEIPT DATED 29.10.2013 ISSUED BY THE FIRST RESPONDENT GRAMA PANCHAYAT.
- P9: TRUE COPY OF THE LICENCE ISSUED BY THE FIRST RESPONDENT DATED 3.3.1994
- P10: TRUE COPY OF THE LICENSE ISSUED BY THE FIRST RESPONDENT DATED 29.9.1987.
- P11: TRUE COPY OF THE CERTIFICATE DATED 5.11.1987 ISSUED BY THE DISTRICT INDUSTRIES CENTRE, THRISSUR.
- P12: TRUE COPY OF THE APPLICATION UNDER RIGHT TO INFORMATION ACT.
- P13: TRUE COPY OF THE COVERING LETTER ISSUED BY THE FIRST RESPONDENT DATED 27.7.2015.
- P14: TRUE COPIES OF THE PROPERTY TAX ASSESSMENT REGISTER ISSUED BY THE FIRST RESPONDENT.
- P15: TRUE COPY OF THE ABSTRACT BASED ON EXT.P14 DOCUMENTS.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.17663 of 2015

Dated this the 11th day of September, 2015

J U D G M E N T

Exts.P4 and P6 orders rejecting the application for building permit put in by the petitioner was not preceded by a local inspection. Added to this is the fact that the Sub Collector, Thrissur has by proceedings dated 21.11.2014 found that there exists a building in the property. The petitioner only seeks permission to reconstruct after demolishing the existing structure for which there cannot be much objection.

2. I quash Exts.P4 and P6 orders and direct the first respondent to reconsider Ext.P3 application put in by the petitioner. The same shall be done untrammelled by the entry in the Data Bank and considered with notice to the petitioner within a period of one month.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.