

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

WP(C).No. 17745 of 2015 (P)

PETITIONERS:

**THADEVOOS WILSON,
S/O JOSEPH, THANIKKAPPILLY HOUSE, PANAIKULAM.P.O
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.AVANEESH KOYIKKARA
SRI.LINDONS C.DAVIS**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, LOCAL SELF GOVERNMENT,
THIRUVANANTHAPURAM.**
- 2. DISTRICT COLLECTOR, ERNAKULAM.**
- 3. AGRICULTURAL OFFICER AND CONVENER,
LOCAL LEVEL MONITORING COMMITTEE OF
ALANGAD GRAMA PANCHAYATH,
KRISHI BHAVAN, ALANGAD, ERNAKULAM DISTRICT.**
- 4. SECRETARY,
ALANGAD GRAMA PANCHAYATH,
NEERIKODE.P.O, PIN-683511.**

R1-3 BY GOVERNMENT PLEADER SMT.K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 17745 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 TRUE COPY OF THE NO OBJECTION CERTIFICATE NO.A4/819/15
DATED 17.03.2015 ISUED BY THE ALANGAD GRAMA PANCHAYATH
SECRETARY**
- EXT.P2 TRUE COPY OF THE ORDER NO.A4-3530/15 ALONG WITH NOTICE OF
ALANGAD GRAMA PANCHAYATH SECRETARY DATED 26.05.2015**
- EXT.P3 TRUE COPY OF DATA BANK REGISTER OF ALANGAD VILLAGE**
- EXT.P4 TRUE COPY OF THE REPLY DATED 04.06.2015 SUBMITTED BY THE
PETITIONER BEFORE THE 4TH RESPONDENT**
- EXT.P5 TRUE COPY OF THE APPLICATION AS PER CLAUSE.6 OF KLU ORDER
DATED 05.06.2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 17745 of 2015

Dated this the 15th day of June, 2015.

JUDGMENT

The petitioner is challenging Ext.P2 and he also seeks a direction for an early disposal of Ext.P5 application pending before the second respondent as per KLU order.

2. The petitioner is the absolute owner of land with Sy.No.41/4-2 of Alangad Village of Alangad Grama Panchayath. In the said property, the petitioner is intending to construct a new house. The petitioner was granted with Ext.P1 NOC for constructing a residential building. The construction was started. The petitioner alleges that now the panchayath has issued an order along with a notice to demolish the construction for the reason that the said land is classified as 'Nilam' in revenue records. It is alleged that the land was not included in Data Bank Register. Hence the petitioner approached the District Collector with Ext.P5 application under KLU order to permit him to utilize the land for building. It is

with this background, the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. Considering the nature of relief sought for, this Court is of the view that the writ petition can be disposed of even without issuing notice to the fourth respondent.

Therefore, the writ petition is disposed of directing the second respondent to consider Ext.P5 within a period of one month from the date of receipt of a copy of this judgment. After taking the decision, the second respondent shall communicate the decision to the 4th respondent. Till that exercise is completed, the fourth respondent is directed to keep further action pursuant to Ext.P2 in abeyance.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.