

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 17979 of 2014 (V)

PETITIONER:

AUGUSTY, AGED 61 YEARS,
S/O MANIVELIL JOSEPH, EDAMARUKA KARA,
UDUMPANNUR VILLAGE, CHEENIKUZHI P.O.,
THODUPUZHA TALUK,
PIN - 685 595.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:-

1. THE STATE OF KERALA,
REP. BY THE SECRETARY TO THE GOVT.,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE KARIMANNUR GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, PO KARIMANNOOR,
IDUKKI DISRICT - 685 581.

R2 BY ADV. SRI.P.K.SOYUZ
R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 : A TRUE COPY OF THE CONSENT GRANTED BY THE 2ND
RESPONDENT DATED 30.05.2012.

EXHIBIT P2 : A TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE TALUK
OFFICE THODUPUZHA DATED 26.02.2014.

EXHIBIT P3 : A TRUE COPY OF THE TAX RECEIPT IN THE NAME OF THE
PETITIONER ISSUED BY THE KARIMANNOOR VILLAGE OFFICE DATED 18.03.2014.

EXHIBIT P4 : A TRUE COPY OF THE SKETCH PREPARED BY THE LAND SURVEYOR
DATED 07.04.2014.

EXHIBIT P5 : A TRUE COPY OF THE DOCUMENT BEARING NO 1676 OF 2014
DATED 27.05.2014 OF THE KARIKODE S R O.

EXHIBIT P6 : A TRUE COPY OF THE COMMUNICATION OF THE 2ND RESPONDENT
DATED 04.03.2014.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P.(C). No. 17979 of 2014 (V)

Dated this the 19th day of March, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondent Grama Panchayath, apart from perusing the record.

2. Briefly stated, the petitioner's predecessor in title constructed a residential building after obtaining necessary permit from the second respondent Panchayath and later assigned the property in favour of the petitioner. Having thus become the owner of the property, the petitioner is said to have submitted an application for numbering the building. The respondent Grama Panchayath has, however, rejected the said application through Ext.P6, contending that the distance norms have not been maintained in relation to the public road.

3. The learned counsel for the petitioner has fairly submitted that if the respondent Grama Panchayath entertains any doubt whether the petitioner's predecessor has violated the distance norms, it is always at liberty to

measure the distance of the building from the public road and take appropriate decision in that regard.

4. Indeed, instead of keeping the matter pending, this Court feels it appropriate to direct the respondent Grama Panchayath to conduct necessary survey and determine the issue whether the petitioner or his predecessor has committed any violation of the Building Rules concerning the distance norms indicated above.

5. The learned counsel for the Grama Panchayath has also agreed that the respondent Grama Panchayath will expeditiously undertake the exercise of determining the distance of the building from the road.

6. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned counsel for the respondent Grama Panchayath, this Court, without adverting to the merits of the matter, disposes of the writ petition with a direction to the respondent Grama Panchayath to measure the petitioner's property from the edge of the established

public road and thereafter pass appropriate orders on the petitioner's application for numbering the building.

Needless to observe that the respondent Grama Panchayath shall complete the process, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

rv