

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).No.18226 of 2015 (C)

PETITIONER:

**N.P.ANTONY,NAMBIYATTUKKUDI HOUSE,
OKKAL,PERUMBAVOOR,ERNAKULAM DISTRICT.**

BY ADV.SRI.C.M.SURESH BABU

RESPONDENT'S:

- 1. THE SECRETARY,KOOVAPPADY GRAMA PANCHAYATH,
KOOVAPADY P.O.,ERNAKULAM - 683 544.**
- 2. KOOVAPADY GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
KOOVAPADY P.O.,ERNAKULAM - 683 544.**

R1,R2 BY SRI.R.RANJITH,SC,KOOVAPPADY GRAMA PANCHAYATH.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.18226 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT-P1-TRUE COPY OF THE NOTICE ALONG WITH A PROVISIONAL ORDER
DATED 23/03/2015 ISSUED BY THE 1ST RESPONDENT.**

**EXHIBIT-P2-TRUE COPY OF THE EXPLANATION DATED 04/04/2015 SUBMITTED
BY THE PETITIONER.**

**EXHIBIT-P3-TRUE COPY OF THE ACKNOWLEDGMENT DATED 09/02/2015 ISSUED
BY THE MANAGER, DISTRICT INDUSTRIES CENTRE, ERNAKULAM,
IN FAVOUR OF M/S.NAMBIYATTUKUDY AGRO INDUSTRIES.**

**EXHIBIT-P4-TRUE COPY OF THE ACKNOWLEDGMENT DATED 09/02/2015 ISSUED
BY THE MANAGER, DISTRICT INDUSTRIES CENTRE IN FAVOUR OF
DIAMOND FOOD PRODUCTS.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.V.RAMAKRISHNA PILLAI, J

WPC No.18226 of 2015

Dated this the 18th day of June, 2015

JUDGMENT

Aggrieved by the institution of proceedings invoking the provisions contained in Rule 4 of the Kerala Panchayat Raj Building Rules, the petitioner has come up before this Court.

2. According to the petitioner, the respondent Panchayat has issued a provisional order directing the petitioner to demolish the buildings owned by him under Section 235W of the Kerala Panchayat Raj Act alleging violation of Rule 4 of the Kerala Panchayat Building Rules 2011, in respect of the buildings which were constructed in the years 1998 and 2009. The petitioner alleges that he is running small scale business in compliance with all the legal formalities in the said building. Kerala Panchayat Building Rules came into force with effect from 14.2.2011. According to the petitioner, even if

the construction of the buildings are without obtaining permit under Rule 4 of the Kerala Panchayat Building Rules, the Secretary of the Panchayat has power to regularise the same, if it is constructed not in violation of the provisions contained in the Act and Rules as per Rule 134 of the said Rules. Hence, this writ petition.

3. I have heard the learned counsel for the petitioner and the learned standing counsel for the respondent Panchayat.

4. The learned standing counsel, on instructions, submitted that though notice has been issued on the petitioner and the petitioner submitted an explanation, no final orders have been passed.

Therefore, this writ petition is disposed of directing the respondent Panchayat to pass final orders after affording the petitioner an opportunity of being heard within a period of two weeks from the date of receipt of a copy of this judgment.

It shall be open to the petitioner to challenge

the order before the competent forum, if he is aggrieved by the same. Further action pursuant to Ext.P1 notice shall be kept in abeyance for a period of one month.

**sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

css/

true copy

P.S.TO JUDGE