

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 18373 of 2015 (V)

PETITIONER:

**JAMES, AGED 62 YEARS
SON OF KUTHOOR ITTIMATHU, KUTHOOR HOUSE
CHIRAMANANGAD VILLAGE, KIDANGOOR DESOM
TALAPPILLY TALUK, MARATHAMKODE PO,
THRISSUR DISTRICT
PIN 680 604**

**BY ADVS.SRI.S.VINOD BHAT
SRI.LEGITH T.KOTTAKKAL**

RESPONDENTS:

- 1. BABY
WIFE OF PANAKKAL JOSE, CHIRAMANGAD VILLAGE
KIDANGOOR DESOM, MARATHAMKODE PO, TALAPPILLY TALUK
PIN 680604**
- 2. THE SECRETARY
KADANGODE GRAMA PANCHAYAT, VELLARKAD PO, PIN 680584
THRISSUR DISTRICT**
- 3. STATE OF KERALA
REPRESENTED BY SECRETARY
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM 695001**

**R1 BY ADVS. SRI.P.VIJAYA BHANU (SR.)
SRI.AJEESH K.SASI
SRI.UNNI SEBASTIAN KAPPEN**

**R2 BY ADVS. SRI.M.P.RAMNATH
SRI.P.RAJESH (KOTTAKKAL)
SMT.S.SANDHYA
SRI.BEPIN PAUL**

R3 BY SR. GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF THE MEMORANDUM OF APPEAL NO.211/2015 OF TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM**
- P2: COPY OF THE PETITION IA.NO.474/2015 IN APPEAL NO.211/2015 OF TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM**
- P3: COPY OF THE ORDER DATED 17.04.2015 IN IA.NO.474/2015 IN APPEAL NO.211/2015 OF TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM**
- P4: COPY OF THE REVIEW PETITION IA.1109/2015 IN IA.474/2015 IN APPEAL 211/2015 OF TRIBUNAL OF LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM**
- P5: COPY OF THE OBJECTION FILED BY THE PETITIONER IN THE REVIEW PETITION**
- P6: COPY OF THE ORDER DATED 08.06.2015 IN IA.1109/2015 IN APPEAL NO.211/2015 OF TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM**
- P7: COPY OF THE ORDER DATED 19.02.2015 IN IA.464/2015 IN OS.NO.129/2015 OF MUNISIFF COURT, WADAKKANCHERY**
- P8: COPY OF THE MEMORANDUM OF APPEAL CMA.59/2015 OF DISTRICT COURT, THRISSUR**

RESPONDENT(S)' EXHIBITS::-

- R1(a): COPY OF THE COMMISSION REPORT DATED 16.02.2015**
- R1(b): COPY OF THE COMMISSION REPORT DATED 23.03.2015**
- R1(c): COPY OF THE PLAINT FILED BY THE PETITIONER BEFORE THE MUNSIFF'S COURT WADAKKANCHERY IN O.S. NO. 129/2015**
- R1(d): THE PHOTOGRAPHS OF THE HOUSE UNDER CONSTRUCTION OF THE 1ST RESPONDENT**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 18373 OF 2015

Dated this the 8th day of September, 2015

JUDGMENT

Ext. P6 interim order passed in Ext. P1 appeal is impugned. Interest of justice would be met by directing Ext. P1 appeal itself to be disposed of early. The Tribunal for Local Self Government Institutions shall make an endeavour to dispose of Appeal No. 211/2015 within a period of two months from the date of receipt of a copy of this judgment. The construction of the building can continue and the same shall be numbered only dependent on the outcome of the appeal.

2. It is made clear that the construction if any of the building is subject to the result of the appeal pending with the Tribunal. The legality or otherwise of the construction is a matter to be gone into in the appeal only.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS