

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 19225 of 2014 (C)

PETITIONER:

VASUDEVAN NAMBOOTHIRI, AGED 46 YEARS,
S/O.VISHNU NAMBOOTHIRI, 'PRANAVAM HOUSE',
ULLIYERI P.O., KOYILANDY (VIA), PIN-673 620.

BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR
SRI.ARUN KRISHNA DHAN

RESPONDENTS:

1. THE SECRETARY, ULLIYTERI GRAMA PANCHAYATH,
KOYILANDY, KOZHIKODE DISTRICT, PIN-673 620.
2. THE REVENUE DIVISIONAL OFFICER,
KOZHIKODE DISTRICT, PIN-673 582.
3. THE DISTRICT COLLECTOR,
CIVIL STATION, KOZHIKODE DISTRICT, PIN-673 582.

R1 BY ADV. SRI.P.R.SREEJITH
R1 BY ADV. SRI.M.PROMODH KUMAR
R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

P1: COPY OF THE SALE DEED NO.1712/2004 DATED 16.08.2004.

P1(A): COPY OF THE SALE DEED NO.2832/2004 DATED 29.12.2004.

P2: COPY OF THE BUILDING PERMIT NO.68/08-09 DATED 31.05.2008 AND ITS
RELEVANT PAGES ALONG WITH THE APPROVED PLAN.

P3: COPY OF THE RELEVANT PAGES OF THE APPLICATION WITH SITE PLAN
ISSUED BY SECRETARY, ULLIYERI GRAMA PANCHAYATH, KOZHIKODE DISTRICT.

P4: COPY OF THE ORDER DENYING THE APPLICATION FOR BUILDING PERMIT
DATED 28.12.2013.

P5: COPY OF THE REPRESENTATION MADE BY THE PETITIONER BEFORE THE 1ST
RESPONDENT DATED 01.07.2014.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 19225 of 2014

Dated this the 9th day of January, 2015.

JUDGMENT

In the light of the ratio laid down in Gopalakrishnan v. State of Kerala (2011 (3) KLT 317), this Court disposes of the writ petition on the same lines applying the ratio laid down by the learned Division Bench in the said decision, thereby setting aside Ext.P4.

Consequently, the 1st respondent is directed to consider the petitioner's application for building permission afresh, if necessary, by referring the matter to the District Town Planner, after subjecting the land in question to physical verification, and thereafter pass appropriate orders thereon, 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.

