

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI**

**THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937**

**WP(C).No.19031 of 2015 (D)**  
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**PETITIONER'S:**  
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1. **SANJU H. SHEREEF,MAYANAD HOUSE,  
MAYANAD P.O, KOZHIKKODE TALUK,  
KOZHIKKODE DISTRICT,PIN-673008.**
2. **LINSY KAVANANCHEERI,METHELIL HOUSE,  
KAVANUR P.O,(VIA)AREACODE,ERNAD TALUK,  
MALAPPURAM DISTRICT,PIM-673639.**

**BY ADV. SRI.K.P.RAJEEVAN**

**RESPONDENT'S:**  
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1. **STATE OF KERALA,REPRESENTED BY ITS SECRETARY,  
LOCAL SELF GOVERNMENT DEPARTMENT,SECRETARIAT,  
THIRUVANANTHAPURAM-695001.**
2. **SECRETARY,KAVANOOR GRAMA PANCHAYATH,  
KAVANOOR P.O.,(VIA) AREACODE,  
MALAPPURAM,PIM-673639.**
3. **JOHNSY T.J,ASSISTANT ENGINEER,L.S.G.D.SECTION,  
KAVANOOR P.O., (VIA) AREACODE,MALAPPURAM,PIN-673639.**

**R1 BY GOVT. PLEADER SMT.K.A.SANJEETHA.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**pk**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

EXT.P1:A TRUE COPY OF POWER OF ATTORNEY DATED 11.12.2014.

EXT.P2:A TRUE COPY OF THE BUILDING PERMIT DATED 10.5.2011 ISSUED BY  
THE 2ND PETITIONER.

EXT.P3:A TRUE COPY OF THE COMPLETION CERTIFICATE DATED 5.5.2014.

EXT.P4:A TRUE COPY OF THE LETTER DATED 14.8.2014 SUBMITTED BY THE  
PETITIONERS BEFORE THE 2ND RESPONDENT.

EXT.P5:A TRUE COPY OF THE LETTER DATED 22.8.2014 ISSUED BY THE 2ND  
RESPONDENT TO THE PETITIONERS.

EXT.P6:A TRUE COPY OF THE LETTER DATED 29.8.2014 SUBMITTED BY THE  
PETITIONERS BEFORE THE 2ND RESPONDENT.

EXT.P7:A TRUE COPY OF THE LETTER DATED 27.9.2014 ISSUED BY THE 2ND  
RESPONDENT TO THE PETITIONERS.

EXT.P8:A TRUE COPY OF THE LETTER DATED 29.9.2014 SUBMITTED BY THE  
PETITIONERS BEFORE THE 2ND RESPONDENT.

**RESPONDENT'S EXHIBITS:**

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

**A.V. RAMAKRISHNA PILLAI, J.**

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**W.P.(C) No. 19031 of 2015**  
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**Dated this the 25<sup>th</sup> day of June, 2015**

**J U D G M E N T**

The petitioners have approached this Court aggrieved by the inaction on the part of the respondent panchayath in allotting number to the petitioners' building, which, according to the petitioners, was completed as per the permit granted by the 2<sup>nd</sup> respondent.

2. The petitioners allege that they have constructed a building in their property in Sy.No.268/7 in Block No.5 of the respondent panchayath after obtaining building permit. They further allege that the permit was for construction of ground floor, 1<sup>st</sup> floor and 2<sup>nd</sup> floor of the building and the construction of the ground floor and the 1<sup>st</sup> floor was completed on 05.05.2014. Thereafter, they submitted an application before the 2<sup>nd</sup> respondent through the 3<sup>rd</sup> respondent to allot building number and

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the 2<sup>nd</sup> respondent issued Ext.P7 letter dated 27.09.2014, mentioning some objections for granting building number. The first objection is that the permissible coverage is only 55%. The petitioners allege that at the time of granting the permit, the permissible coverage was 65%. The second objection is that the width of the vacant space in the rear side is only 1.5 m. According to the petitioners, they have left a space having a width of 2.95 meters on the northern side. The third objection is that No Objection Certificate is necessary for the construction of three storied buildings. The petitioners have submitted Ext.P8 representation dated 29.09.2014 stating that the construction of two floors are completed and requesting to allot building numbers to the two floors restricting the permit for the said two floors only. Their grievance is that till date, numbers are not allotted to the building. Hence, this writ petition.

3. When the matter was taken up, the learned counsel for the petitioners submitted that the petitioners

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would be satisfied if Ext.P8 representation be directed to be considered by the 2<sup>nd</sup> respondent within a time frame.

Therefore, the writ petition is disposed of directing the 2<sup>nd</sup> respondent to consider and pass appropriate orders on Ext.P8 after affording the petitioner and the 3<sup>rd</sup> respondent an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, it shall be open to the petitioners to produce a copy of this writ petition as well as a copy of this judgment before the 2<sup>nd</sup> respondent at the earliest.

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

bka/-