

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No.19346 of 2014 (P)

PETITIONER :

M/S.M & T POLYMERS,
ALATTUCHIRA P.O., CHETTINADA-683 544,
ERNAKULAM DISTRICT, REP. BY ITS MG. PARTNER,
THANKACHAN GEORGE.

BY ADV. SRI.FEBIN J.VELUKARAN

RESPONDENTS :

1. THE SECRETARY,
MUDAKUZHA GRAMA PANCHAYAT, ERNAKULAM-682346.
2. THE CHIEF TOWN PLANNER,
OFFICE OF THE CHIEF TOWN PLANNER, NEST, TC 14/319,
PANJAPPURA JUNCTION (EXTRA POLICE ROAD), PALAYAM,
THIRUVANANTHAPURAM-33.
3. SENIOR TOWN PLANNER,
REGIONAL TOWN PLANNING OFFICE, ERNAKULAM,
KOCHI-682020.

R1 BY ADV. SRI.ARUN BASIL, SC, MUDAKKUZHA GRAMA PANCHAYAT
R3 BY SR.GOVERNMENT PLEADER SRI.L.ALOSIOUS THOMAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :-

EXHIBIT P1 : TRUE COPY OF THE SAID ORDER DATED 01.07.2014 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P2 : TRUE COPY OF THE SAID INSPECTION REPORT MADE BY THE 3RD RESPONDENT AND FORWARDED TO THE 2ND RESPONDENT.

EXHIBIT P3 : TRUE COPY OF THE LETTER DATED 16.11.2013 ISSUED BY THE 3rd RESPONDENT.

EXHIBIT P4 : TRUE COPY OF THE SAID APPLICATION FOR REGULARISATION AND THE ACKNOWLEDGMENT RECEIPT ISSUED THEREIN BY THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.19346 of 2014

Dated this the 4th day of December, 2015

JUDGMENT

The petitioner has filed this Writ Petition seeking a writ of mandamus commanding the Secretary of Mudakuzha Grama Panchayat, the 1st respondent herein to keep in abeyance all proceedings pursuant to Ext.P1 order dated 1.7.2014 till a final decision is taken on Ext.P4 application submitted by the petitioner dated 28.9.2013 for regularisation of the construction already made.

2. Going by the averments in the Writ Petition the petitioner is conducting an industry engaged in the manufacture of plastic sanitary wares. The industrial unit is functioning in a building constructed after obtaining permit from the 1st respondent Grama Panchayat. In the year 2014 the petitioner was denied renewal of licence for the industrial unit on the ground that certain unauthorised construction in violation of the approved plan are seen in the premises in question. Consequently the petitioner was issued with Ext.P1 order. It was at this juncture the petitioner moved Ext.P4 application for regularization of the construction and

thereafter approached this Court in this Writ Petition seeking various reliefs.

3. By order dated 30.7.2014, this Court has ordered that further proceedings pursuant to Ext.P1 order shall be kept in abeyance for a period of two weeks. The said interim order was extended until further orders on 23.10.2014.

4. In spite of service of notice the 1st respondent Grama Panchayat has not chosen to file any counter affidavit.

5. The 3rd respondent has filed counter affidavit stating that the 1st respondent is the competent authority to take action as per rules against unauthorised constructions and it is for the said respondent to consider the application for regularisation of the construction, as per rules.

6. Considering the fact that Ext.P4 application submitted by the petitioner for regularisation of the construction is pending consideration before the 1st respondent, I deem it appropriate to dispose of the Writ Petition without going into the merits of the contentions raised in this Writ Petition.

7. In the result, this Writ Petition is disposed of directing the 1st respondent to consider Ext.P4 application filed by the petitioner

for regularization of the construction already made and pass appropriate orders thereon strictly in accordance with rules. A decision in this regard shall be taken as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment, with notice to the petitioner. Till such time all further proceedings pursuant to Ext.P1 shall be kept in abeyance.

It is made clear that this Court has not expressed anything on the merits of the claim made by the petitioner for regularisation of the construction already made, and it is for the 1st respondent to consider the said request strictly in accordance with law.

The Writ Petition is disposed of as above.

Sd/-

ANIL K.NARENDRAN, JUDGE

skj

True copy

P.A to Judge