

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 19779 of 2014 (V)

PETITIONER:

BIJU, AGED 42 YEARS,
S/O.GEORGE, PLAPARAMBIL, MEENANGADI P.O.
PURAKKADI VILLAGE, CHENDAKUNI DESOM, WAYANAD DISTRICT.

BY ADVS.SRI.PAUL K.VARGHESE
SRI.NISHIL.P.S.
SMT.A.A.GEETHA

RESPONDENTS:

1. THE MUTTIL GRAMA PANCHAYATH,
MUTTIL P.O., VAYANAD, REPRESENTED BY SECRETARY
PIN: 673 122.
2. THE SECRETARY, MUTTIL GRAMA PANCHAYATH,
MUTTIL P.O., VAYANAD, REPRESENTED BY SECRETARY
PIN: 673 122.

R1-R2 BY ADV. SRI.MANOJ RAMASWAMY, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

P1: A TRUE COPY OF THE BUILDING PERMIT NO.487/08-09 ISSUED BY PANCHAYATH TO THE PETITIONER DATED 5/1/2009.

P2: A TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY PANCHAYATH TO THE PETITIONER DATED 2/9/2010.

P3: A TRUE COPY OF THE ORDER NO.A2 10732/11 ISSUED BY THE SECRETARY, MUTTIL GRAMA PANCHAYATH TO THE PETITIONER DATED 10/11/2011.

P4: A TRUE COPY OF THE ORDER NO.A2 10732/11 ISSUED BY THE SECRETARY, MUTTIL GRAMA PANCHAYTH TO THE PETITIONER DATED 11/11/2011.

P5: A TRUE COPY OF THE INSPECTION REPORT SUBMITTED BY AGRICULTURAL OFFICER, MUTTIL GRAMA PANCHAYATH DATED 22/03/2007.

P6: A TRUE PHOTOGRAPH OF THE PETITIONER'S BUILDING AND THE ADJACENT PROPERTY.

P7: A TRUE COPY OF THE JUDGMENT IN WPC NO.31390/2011 OF THIS HONOURABLE COURT DATED 06/01/2013.

P8: A TRUE COPY OF THE ORDER NO.A1 10732/11 ISSUED BY SECRETARY, MUTTIL GRAMA PANCHAYATH TO THE PETITIONER DATED 19/5/2014.

P9: TRUE COPY OF THE RECEIPT NO.0750544 DATED 26.11.2014 ISSUED BY THE RESPONDENT.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 19779 of 2014 D

Dated this the 8th day of January, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner is said to have purchased 0.0324 hectares of property comprised in Re. Survey No. 233/1 of Muttill South Village through sale deed No. 369/2010, along with the building permission granted to the previous owner. Later based on the transfer of permission effected by the 1st respondent Grama Panchayath, the petitioner has constructed a commercial building on the property. Subsequently, on account of what is said to be certain irregularities, when the petitioner applied for regularisation, it was rejected through Ext. P8. Aggrieved

thereby, the petitioner filed the present writ petition.

3. As a matter of further development, as directed by the 1st respondent Grama Panchayath, the petitioner once again submitted another application for regularisation along with requisite fee through Ext.P9. The learned counsel for the petitioner submits that it will suffice if a direction is given to the respondents to consider the application of the petitioner for regularisation and assigning building number based on Ext.P9, taking into account all other statutory aspects.

4. The learned Standing Counsel for the respondents has submitted that the Grama Panchayath is willing to consider the case of the petitioner in accordance with law.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner and the learned Standing Counsel for the respondents, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the 2nd respondent to consider the application of the petitioner for

regularisation and assign it building number based on Ext.P9, subject to the compliance of all other statutory parameters by the petitioner, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. In the light of the Grama Panchayath's willingness to consider the issue afresh in accordance with law, all previous proceedings in Exts.P3, P4 and P8 stand set aside.

sd/- DAMA SESHADRI NAIDU, JUDGE.

