

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

WP(C).No. 19858 of 2014 (F)

PETITIONER(S):

M.HUSSAIN, AGED 60 YEARS
S/O.MUHAMMED KUNJU, SHIBI NIVAS, MANAKKARA P.O.
SASTHAMCOTTAH, KUNNATHUR TALUK
KOLLAM DISTRICT - 691 001.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENT(S)/RESPONDENTS:-:

1. DIRECTOR OF PANCHAYATH
THIRUVANANTHAPURAM - 695 001.
2. DEPUTY DIRECTOR OF PANCHAYATH,
KOLLAM - 691 001.
3. SASTHAMCOTTAH GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY
OFFICE OF SASTHAMCOTTAH GRAMA PANCHAYATH
SASTHAMCOTTAH, KUNNATHUR TALUK
KOLLAM DISTRICT - 691 001.
4. ASSISTANT ENGINEER,
ELECTRICAL SECTION, SASTHAMCOTTAH, KOLLAM - 691 001.

R3 BY ADV. SRI.M.RAMESH CHANDER (SR.)
R3 BY ADV. SRI.ANEESH JOSEPH
R BY SENIOR GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN
R BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE LAND TAX RECEIPT OF THE PROPERTY.

EXHIBIT P2. TRUE COPY OF THE BUILDING TAX RECEIPT ISSUED BY THE VILLAGE
OFFICE SASTHAMCOTTAH.

EXHIBIT P3. TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE VILLAGE
OFFICE, SASTHAMCOTTAH.

EXHIBIT P4. TRUE COPY OF THE CERTIFICATE ISSUED BY THE 4TH RESPONDENT
ASSISTANT ENGINEER ELECTRIC SECTION SASTHAMCOTTAH DATED
24.05.2011.

EXHIBIT P5. TRUE COPY OF THE ELECTRICITY BILL ISSUED TO THE CONSUMER
NO.4718.

EXHIBIT P6. TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE 3RD
RESPONDENT ALONG WITH THE RECEIPT ISSUED BY THE
PANCHAYATH DATED 28.06.2014.

EXHIBIT P7. TRUE COPY OF THE REPLY ISSUED BY THE PANCHAYATH DATED
28.5.2014.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.19858 of 2014

Dated this the 2nd day of September, 2015

J U D G M E N T

The petitioner asserts that the commercial premises having one room was built even before the Kerala Panchayat Raj Act came into force. It is however conceded that two additional rooms have been constructed behind the shop room and adjacent to it later. It is the case of the petitioner that the subsequent construction can be regularised under the Kerala Building (Regularisation of Unauthorised Construction) Rules, 2010.

2. It is open to the petitioner to apply for regularisation of the construction by filing appropriate application with the third respondent Panchayat. Any such application filed within one month from today shall be dealt with by the third respondent within two months therefrom. The entire building comprising of three rooms shall either be regularised or the old shop room alone numbered directing demolition of the subsequent construction.

3. It is made clear that the application for regularisation shall be dealt with by the third

respondent Panchayat as per the law in force.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.