

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

**PRESENT:**

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

**WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937**

**WP(C).No. 27695 of 2007 (V)**  
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**PETITIONER(S):**  
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**E.RAMACHANDRAN, S/O.EASWARAN,  
PONNUMADAM HOUSE, CHITTUR VILLAGE, PALAKKAD DISTRICT.**

**BY ADVS.SRI.K.MOHANAKANNAN  
SMT.A.R.PRAVITHA**

**RESPONDENT(S):**  
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**1. STATE OF KERALA,  
REPRESENTED BY SECRETARY TO GOVERNMENT,  
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT,  
THIRUVANANTHAPURAM.**

**2. THE CHITTUR THATHAMANGALAM MUNICIPALITY,  
REPRESENTED BY ITS SECRETARY, CHITTUR,  
PALAKKAD DISTRICT.**

**\* SUPPLEMENTAL RESPONDENTS 3 & 4 IMPEADED**

**3. VIJAYAN, COUNCILLOR,  
CHITTUR THATHAMANGALAM MUNICIPALITY,  
CHITTUR, PALAKKAD DISTRICT.**

**4. VENU, COUNCILLOR,  
CHITTUR THATHAMANGALAM MUNICIPALITY,  
CHITTUR, PALAKKAD DISTRICT.**

**SUPPLEMENTAL RESPONDENTS 3 & 4 IMPEADED AS PER ORDER  
DT.24/9/2007 IN IA.12584/2007.**

**R1 BY GOVERNMENT PLEADER SRI.SOJAN JAMES  
R2 BY ADV. SRI.A.SREERAMAKRISHNAN  
R3 & 4 BY ADV. SRI.RAJESH SIVARAMANKUTTY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-11-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**PJ**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXHIBIT P1. COPY OF THE SALE DEED NO.3117/2007 OF SRO, CHITTUR DATED 18/10/05**
- EXHIBIT P2. COPY OF THE POSSESSION CERTIFICATE DATED 2/11/05 OBTAINED BY THE PETITIONER FROM THE VILLAGE OFFICE, CHITTUR.**
- EXHIBIT P3. COPY OF THE ENCUMBRANCE CERTIFICATE DATED 15/8/2007 OBTAINED BY THE PETITIONER**
- EXHIBIT P4. COPY OF THE PROCEEDINGS NO.3517/05 DATED 13/6/06 OF THE RDO, PALAKKAD.**
- EXHIBIT P5. COPY OF THE PLAN SUBMITTED BY THE PETITIONER BEFORE THE R2**
- EXHIBIT P6. COPY OF THE RECEIPT DATED 22/8/07 OBTAINED BY THE PETITIONER FROM THE MUNICIPALITY**
- EXHIBIT P7. COPY OF THE PROCEEDINGS ISSUED BY THE R2 MUNICIPALITY BEARING NO.E2-9598/06 DATED 11/9/07.**

**RESPONDENT(S)' EXHIBITS**  
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**NIL.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

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

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W.P.(C) No. 27695 of 2007  
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Dated this the 11<sup>th</sup> day of November, 2015

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

The petitioner has obtained 10 cents of property comprised in Sy.No.1843/2 of Chittur Village as per sale deed No.3117/205 of SRO, Chittur dated 18.10.2005 within the local limits of the respondent municipality. Exts.P2 & P3 are the possession certificate and encumbrance certificate. As per Ext.P4 order, permission was granted by the Revenue Divisional Officer under the Kerala Land Utilization Order. Ext.P5 plan for the proposed residential building was submitted for sanction before the 2<sup>nd</sup> respondent municipality and the council of the municipality decided to sanction the plan and thereby directed the petitioner to remit the requisite fee. The petitioner alleges that in terms of the direction given by the municipality, the requisite building permit fee was also remitted vide Ext.P6 receipt. However, the petitioner received Ext.P7 communication from the municipality stating that a

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complaint is received by the Government and till a decision is taken by the Government, the municipality is decided to keep in abeyance the grant of permit. It is with this background, the petitioner has approached this Court.

2. This Court, as per interim order dated 05.11.2007, directed the Government to consider the request of the petitioner; and accordingly, the Government has passed GO(P) No.1107/2008 dated 08.04.2008, a copy of which was made available for my perusal. As per the said order, the Government permitted the 2<sup>nd</sup> respondent municipality to grant permit to the petitioner to construct a residential building within the extent of 5 cents only.

In the light of the said facts, the writ petition is disposed of directing the 2<sup>nd</sup> respondent municipality to comply with the aforesaid government order.

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