

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No. 25674 of 2012 (H)

PETITIONER(S):

1. VITHURA SREE MAHADEVAR TEMPLE TRUST,
REPRESENTED BY ITS SECRETARY, VITHURA P.O.,
THIRUVANANTHAPURAM-695 551.
 2. K.PASHOK KUMAR,
ANAKKUZHIYIL VEEDU, CHETTACHAL P.O., VITHURA,
THIRUVANANTHAPURAM.
- BY ADVS.SRI.G.P.SHINOD
SRI.RAM MOHAN.G.

RESPONDENT(S):

1. THE DISRICT COLLECTOR,
THIRUVANANTHAPURAM DISTRICT, DISTRICT COLLECTORATE,
CIVIL STATION, KUDAPPANAKKUNNU,
THIRUVANANTHAPURAM-695 043.
2. THE ADDITIONAL DISTRICT MAGISTRATE,
THIRUVANANTHAPURAM, DISTRICT COLLECTORATE,
CIVIL STATION, KUDAPPANAKKUNNU,
THIRUVANANTHAPURAM-695 043.
3. THE REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM REVENUE DIVISION,
REVENUE DIVISIONAL OFFICE, FORT P.O.,
THIRUVANANTHAPURAM-695 023.
4. THE TAHASILDAR,
NEDUMANGADU TALUK, TALUK OFFICE, NEDUMANGADU,
THIRUVANANTHAPURAM.
5. THE ADDITIONAL TAHASILDAR,
NEDUMANGAD TALUK, TALUK OFFICE, NEDUMANGADU,
THIRUVANANTHAPURAM.
6. THE VILLAGE OFFICER,
THOLICODE VILLAGE, THOLICODE, THIRUVANANTHAPURAM.

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7. THE VILLAGE OFFICER,
VITHURA VILLAGE, VITHURA, THIRUVANANTHAPURAM.
8. THE AGRICULTURAL OFFICE,
AGRICULTURE OFFICE, VITHURA, THIRUVANANTHAPURAM.
9. VITHURA GRAMA PANCAHAYAT,
REPRESENTED BY ITS SECRETARY, VITHURA,
THIRUVANANTHAPURAM.
10. THE SECRETARY,
VITHURA GRAMA PANCAHAYAT, VITHURA, THIRUVANANTHAPURAM.
11. BABY JOHN, AGED 52 YEARS,
S/O. C.I.JOHN, MULAMOOTTIL GALEED, T.C. 4/1778(7),
KOWDIAR, THIRUVANANTHAPURAM.
12. SAIRA SANTHOSH, AGED 40 YEARS,
W/O. SANTHOSH WILSON, RESIDING AT T.C.2/3240,
KULANGARA LANE, PATTOM, THIRUVANANTHAPURAM.
13. THE HINDUSTAN PETROLEUM CORPORATION,
REPRESENTED BY ITS REGIONAL MANAGER (RETAIL),
ERNAKULAM NORTH P.O., KOCHI-682 018.
14. THE REGIONAL MANAGER (RETAIL),
HINDUSTAN PETROLEUM CORPORATION
ERNAKULAM NORTH P.O., KOCHI-682 018.

R1 TO R8 BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL
R9 & R10 BY ADV. SRI.K.SATHEESH KUMAR
R11 & 12 BY ADV. SRI MARTIN JOSE
R11 BY ADVS. SRI.S.SREEKUMAR (SR.)
SRI.P.MARTIN JOSE
R13 & R14 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-03-2015 ALONG WITH WPC. 7581/2014, THE COURT ON 20-05-2015,
THE SAME DAY DELIVERED THE FOLLOWING:

msv/

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1- A TRUE PHOTOCOPY OF THE COMPLAINT SUBMITTED BY THE SECOND PETITIONER TO THE THIRD RESPONDENT.

EXHIBIT P2- A TRUE PHOTOCOPY OF THE LETTER NO. F3-7020/08 DATED 06-05-2008 ISSUED BY THE FIFTH RESPONDENT TO THE SECOND PETITIONER.

EXHIBIT P3- A TRUE COPY OF THE REPORT NO. 15022/10 DATED 10-12-2010 SENT BY THE SIXTH RESPONDENT TO THE FOURTH RESPONDENT.

EXHIBIT P4- A TRUE PHOTOCOPY OF THE REPRESENTATION DATED 06-12-2011 SUBMITTED BY THE FIRST PETITIONER TO THE TENTH RESPONDENT.

EXHIBIT P5- A TRUE PHOTOCOPY OF THE NO OBJECTION CERTIFICATE NO. A17/8474/10 DATED 09-11-2010 ISSUED BY THE SECOND RESPONDENT.

EXHIBIT P6- A TRUE PHOTOCOPY OF THE REPRESENTATION DATED 14-12-2011 SUBMITTED BY THE FIRST PETITIONER TO THE FIRST RESPONDENT.

EXHIBIT P7- A TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE FIRST RESPONDENT TO THE HONOURABLE CHIEF MINISTER OF KERALA.

EXHIBIT P8- A TRUE PHOTOCOPY OF THE LETTER DATED 09-10-2012 SUBMITTED BY THE SECOND PETITIONER TO THE FOURTH RESPONDENT.

EXHIBIT P9- A TRUE PHOTOCOPY OF THE LETTER SUBMITTED BY THE SECOND PETITIONER TO THE THIRD RESPONDENT.

EXHIBIT P10- A TRUE PHOTOCOPY OF THE ORDER NO. A3 7331/10 DATED 05-07-2011 OF THE TENTH RESPONDENT.

EXHIBIT P11- A TRUE PHOTOCOPY OF THE COMMON ORDER DATED 22-11-2011 OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS IN APPEALS NUMBERED 565 OF 2011 AND 573 OF 2011.

EXHIBIT P12- A TRUE PHOTOCOPY OF THE ORDER NO. D4-785/11/D.DIS DATED 11-02-2011 OF THE CHIEF TOWN PLANNER.

EXHIBIT P13- A TRUE PHOTOCOPY OF THE ORDER NO. A3-7331/0 DATED 09-01-2012 OF THE TENTH RESPONDENT.

EXHIBIT P14- A TRUE PHOTOCOPY OF THE COMMON ORDER DATED 22-11-2011 OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS IN APPEALS NUMBERED 93 OF 2012 AND 101 OF 2012.

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**EXHIBIT P15- A TRUE COPY OF THE BUILDING PERMIT NO.01/2013-14 DTD.27.4.2013
ISSUED BY THE 10TH RESPONDENT TO RESPONDENTS 11 TO 14.**

**EXHIBIT P16- A TRUE COPY OF THE LETTER NO.R.B1 18870/12 DTD.14.11.2012
ISSUED BY THE STATE PUBLIC INFORMATION OFFICER ATTACHED TO
THE FOURTH RESPONDENT TO THE SECOND PETITIONER.**

**EXHIBIT P17- A TRUE COPY OF THE LETTER DTD.5.5.2008 ISSUED BY THE FIFTH
RESPONDENT TO THE SECOND PETITIONER, COPY OF WHICH IS
ISSUED BY THE PUBLIC INFORMATION OFFICER ATTACHED TO THE
FOURTH RESPONDENT TO THE SECOND PETITIONER.**

**EXHIBIT P18- A TRUE COPY OF THE LETTER NO.F3. 7020 OF 2008 DTD. 5.5.2008
ISSUED BY THE FIFTH RESPONDENT TO THE SIXTH AND SEVENTH
RESPONDENTS, COPY OF WHICH IS ISSUED TO THE SECOND
PETITIONER BY THE PUBLIC INFORMATION OFFICER ATTACHED TO
THE FOURTH RESPONDENT.**

**EXHIBIT P19- A TRUE COPY OF THE LETTER NO.F3. 7020 OF 2008 DTD. 17.10.2008
ISSUED BY THE FIFTH RESPONDENT TO RESPONDENTS 6 & 7, COPY
OF WHICH IS ISSUED TO THE SECOND PETITIONER BY THE PUBLIC
INFORMATION OFFICER ATTACHED TO THE FOURTH RESPONDENT.**

**EXHIBIT P20- A TRUE COPY OF THE REPLY NO.5840/2008 DTD.14.11.2008 ISSUED BY
THE SECOND PETITIONER BY THE PUBLIC INFORMATION OFFICER
ATTACHED TO THE FOURTH RESPONDENT.**

**EXHIBIT P21- A TRUE COPY OF THE LETTER NO.F3. 7020 OF 2008 DTD. 9.12.2008
ISSUED BY THE FIFTH RESPONDENT TO THE SECOND RESPONDENT,
COPY OF WHICH IS ISSUED TO THE SECOND PETITIONER BY THE
PUBLIC INFORMATION OFFICER ATTACHED TO THE FOURTH
RESPONDENT.**

**EXHIBIT P22- A TRUE COPY OF THE REVISED LOCATION AND SITE PLAN OF THE
PROPOSED HINDUSTAN PETROLEUM CORPORATION, RETAIL OUTLET,
VITHURA, THIRUVANANTHAPURAM.**

RESPONDENT(S)' EXHIBITS:

**EXT.R11(A): TRUE COPY OF ORDER DTD.17.6.013 IN I.A.NO.1035 OF 2013 IN APPEAL
NO.540 OF 2013 OF TRIBUNAL FOR LOCAL SELF GOVERNMENT
INSTITUTION, TRIVANDRUM.**

**EXT.R11(b): TRUE COPY OF PLAINT IN OS.NO.433 OF 2013 FILED BEFORE THE
MUNSIFF COURT, NEDUMANGAD.**

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.V.RAMAKRISHNA PILLAI, J

W.P.(C)Nos.25674 of 2012 & 7581 of 2014

Dated this the 20th day of May , 2015

JUDGMENT

These writ petitions relate to the grant of a building permit by the Vithura Grama Panchayath to house a petroleum outlet in the property of the party respondent lying within the local limits of the aforesaid Panchayath. The petitioners allege that the said property which was a paddy field was authorisedly reclaimed by the party respondent. They also allege that the building permit was issued by the Panchayath ignoring the directions given by the Chief Town Planner and the same is not in accordance with the revised plan.

W.P.(C)No.25674/2012

2. The First petitioner is a Trust registered for the purpose of administering the affairs of the Vithura Sree Mahadevar Temple. The second petitioner is a local resident and a staunch devotees of the deity in the temple. The petitioners allege that respondents 11 to 14 were proposing to

put up a petroleum outlet in a paddy field reclaimed by them unauthorisedly and illegally. When this property was being filled up the 2nd petitioner submitted Ext.P1 representation and another representation before the Revenue Divisional Officer concerned. He got Ext.P2 letter of reply wherein it was stated that the matter has been referred to Police and the Village Officers concerned have been directed to take necessary follow up action. The petitioners alleged that the area wherein the petroleum outlet is proposed by the party respondents is within a distance of 40 meters in the aforesaid temple. According to the petitioners, the offerings in the temple include 'vedi vazhipaadu' also and during festivities in the Temple, 'vedikkettu' is being conducted. They also allege that during the procession held in connection with the festivals 'theevettis' are being used. Therefore, the first petitioner submitted a representation to the 4th respondent praying that the petroleum outlet may not be permitted in the area which is so close to the temple premises. The 4th respondent called for a report from the

6th respondent regarding the matter, who sent Ext.P3 Report to the effect that the petroleum outlet was proposed to be put up in paddy field reclaimed two years back and that a petroleum outlet in the locality might be dangerous especially when gun powder is used for vedi vazhipaadu. The petitioner further alleges that a representation was submitted by the first petitioner on 06.12.2011 to the 10th respondent praying that any orders in the application for permission submitted by respondents 11 to 14 to install a petroleum outlet in the locality be passed only after hearing them also since the petroleum outlet was proposed to be put up in an unauthorisedly reclaimed paddy field and the same would be dangerous as vedi vazhipadu was being offered to the deity in the Temple during festival seasons. However, the 2nd respondent, in the meanwhile, issued Ext.P5 No Objection Certificate for putting up of a petroleum outlet in the said property. Knowing this the first petitioner submitted Ext.P6 representation to the first respondent praying that the no objection granted be canceled. The

petitioners pointed out that Ext.P6 representation has not been considered so far. They also alleged that no follow up action was taken on Ext.P1 representation. Therefore, respondents 11 and 12 took steps to develop the reclaimed paddy field and put up a petroleum outlet therein. Against this, a Local Action Council was formed by the people of the locality. They also submitted complaints to various authority against the steps taken to put up a petroleum outlet. The petitioners also allege that a high tension electric line is passing over the area where the outlet is proposed to be put up. This according to the petitioners is prejudicial to the safety and security of the people of the locality. The petitioners further allege that the 10th respondent as per Ext.P10 order rejected the application of respondents 11 and 12 for putting up a petroleum outlet on the basis of complaints from the people. The said order was challenged before the Tribunal for Local Self Government Institutions which by Ext.P11 order set aside Ext.P10 Order remanding the matter back to 10th respondent for fresh consideration.

The petitioners allege that the Tribunal while passing Ext.P11 Order, erred in not advertng to the stipulations mandated by the Chief Town Planner in Ext.P12 order to the effect that the property where the Petroleum outlet was proposed to be put up should not be a property covered by the provisions of the Kerala Conservation of Paddy Land and Wet Land Act and that the installation of the Petroleum outlet should not be prejudicial to the day to day activities of the Temple and further that the installation should not pollute or restrict the flow of the nearby canal. Pursuant to Ext.P11 order, the 10th respondent again rejected the application of the respondents 11 and 12 by Ext.P13. This was again taken up before the Tribunal by way of Appeal numbers 93 and 101 of 2012 respectively. By Ext.P14 Common Order, the Tribunal remitted the matter back to the 10th respondent. The petitioners allege that the contentions advanced by the first petitioner regarding the proposal to put up the petroleum outlet in a reclaimed paddy field was not adverted to by the Learned Tribunal while issuing Ext.P14

Order. The petitioners allege that the first petitioner is not bound by Ext.P11 order as the first petitioner was not a party to it. Later, the 10th respondent has passed Ext.P15 Order granting building permit. According to the petitioner, Ext.P15 was passed without notice to them or without hearing them and therefore, the same arbitrary, illegal and violative of the principles of natural justice. They alleged that the site plan and building plan submitted by the applicants are factually incorrect and there is no sufficient property available at spot for erecting the petrol pump. Therefore according to the petitioners, the same has been issued on extraneous considerations. It is with this back ground the petitioners have come up before this Court.

W.P.(C)No.7581/2014

3. The petitioner is a local resident of Vithura Grama Panchayath. In this writ petition, the petitioner alleges that though there were specific directions in the common order passed by the Tribunal for Local Self Institutions in Nos.93/2012 and 101/2012 to the first

respondent, the first respondent in collusion with the respondents 2 and 3 (they are respondents 11 and 12 in the other writ petition) issued building permit on 27.04.2013 (Ext.P15 in the other writ petition). Challenging the same the petitioner preferred Appeal No.540/2013 before the Tribunal for Local Self Government as the 3rd round of litigation. The petitioner alleges that after hearing both sides the building permit dated 27.04.2013 was set aside with specific observations. It is pointed out that the Tribunal has found that the respondents 2 and 3 are not owners of an area having frontage more than 26.1 meter and therefore they cannot grant lease of that area to the 4th respondent and the 4th respondent also cannot be treated as a lessee in possession of that area to become an owner under Rule 2 (b1) of the Kerala Panchayath Building Rules, 2011. However, the first respondent Panchayath has issued the permit dated 26.10.2013 without complying with the directions of the Tribunal in the three appeals. The petitioner has preferred Appeal No.1038/2013

challenging the permit dated 26.10.2013. The Tribunal by impugned order (Ext.P9) dated 30.01.2014 set aside the Building Permit and remanded the matter back to the 1st respondent, with a direction to the respondents 2 and 3 to give a fresh lease to the 4th respondent and to cure the defects pointed out in para 17 and directing the 1st respondent to issue Building Permit thereafter. The petitioner pointed out that the permission now granted by the Tribunal is without complying with the orders issued by the Chief Town Planner on 11.02.2011 instructing the 1st respondent to ascertain whether the proposed construction would adversely affect the rituals of the aforesaid temple as well as the NOC dated 09.11.2010 issued by the District Collector on the specific condition that any addition or alteration from the approved plan should not be allowed without prior approval from him. It is with this back ground the petitioner has filing the writ petition.

4. The party respondents have filed detailed counter affidavits in both the writ petitions wherein it is

asserted that the Panchayath has now issued Building Permit taking into consideration the directions of the Tribunal for Local Government. According to them, no illegality has been committed by the Panchayath while issuing the permit. According to them, there is no rule which mandates applicant or others are to be heard before considering application for building permit.

5. Arguments have been heard.

6. The allegations raised by the petitioners are two fold. The petitioners in the first writ petition alleges that the building for the proposed petroleum outlet was constructed in a property which was originally lying as paddy field. According to them, the property was reclaimed by the party respondent unauthorisedly. The second contention is that the building permit is now issued by the respondent Panchayath without taking into account the directions of the Chief Town Planner as well as the District Collector. It is crucial to note that the matter has been taken before the Tribunal for Local Government four times. The aforesaid 44 cents of

property is comprised in different survey numbers of Thalikode Village and Nedumangad Taluk. There is no serious disputes regarding the same. Pursuant to the notification by the Hindustan Petroleum Corporation (4th respondent in W.P.(C)No.7581/2014) for the construction of a retail outlet of petroleum products, party respondents applied for the same and they were selected. The aforesaid 44 cents was leased out to the corporation for the construction of the outlet. The corporation had obtained consent to establish the outlet from the Kerala State Pollution Control Board, No Objection Certificate from Additional District Magistrate, Thiruvananthapuram, consent from the District Police Chief, Thiruvananthapuram, recommendation from Tahsildar, Nedumangad for the construction of the retail outlet, NOC from District Medical officer, NOC from Fire and Rescue Services, NOC from Executive Engineer, PWD Road Division, consent from District Supply Officer, Thiruvananthapuram, consent from the Local Authority and consent from the Chief Town Planner. The learned

Senior counsel for the party respondents pointed out that despite the production of these documents the respondent Panchayath rejected the building permit citing public protest. This was challenged before the Tribunal, and the order was set aside. It was after hearing the party respondents and the Panchayath. The reports by the Village Officer, Tholicode, Agricultural Officer, Vithura and the proceedings of the Revenue Divisional Officer pertaining to the nature of the land were produced before the Tribunal. It has been categorically stated in such reports and proceedings, that the property in which the petroleum outlet is to be established is lying as a garden land for the last more than fifteen years and not suitable for paddy cultivation. The Panchayath was directed by the Tribunal to reconsider the application for building permit. Again the Panchayath rejected the application for building permit by order dated 09.01.2012 which was again challenged before the Tribunal in appeal. The order was set aside and the learned Tribunal criticized the conduct of the

Panchayath in not passing orders in conformity with the directions already passed by the Tribunal in the previous appeal. A copy of the said order is produced as Ext.P2 in W.P.(C)No.7581/2014. As the Panchayath did not take any decision, the party respondents approached this Court with W.P.(C)No.17469/2012. However, during the pendency of the writ petition, the Panchayath issued Building Permit dated 02.04.2013. The learned senior counsel pointed out that on the basis of the building permit, construction of the petroleum outlet was commenced. While so the petitioner in W.P.(C) No.7581/2014 filed Appeal 540/2013 before the Tribunal challenging the building permit dated 27.04.2013. He raised the following the grounds in the appeal;

- a. The petroleum outlet in the locality is dangerous to human life and property.
- b. The petroleum outlet is going to be established violating mandatory requirements of law.
- c. The property is having an extent of 44 cents only and the maximum frontage provided is only 26.1 meters. Though it is shown as 28.5 meters in the site plan.

- d. Rule 61(1) of Kerala Panchayat Building Rules has not been complied with.
- e. The stocking of petroleum or kerosene within a radius of 50 meters from the temple could cause explosion.
- f. The property which was lying as a paddy field was illegally reclaimed by the party respondents.

7. The Tribunal disposed of the appeal setting aside the building permit dated 27.04.2013 for the reason that, there were some defects in the application submitted by the party respondents. It was also found that the Panchayath while granting the building permit had not complied with Rule 61(1) of Kerala Panchayath Building Rules and Indian Road Congress Regulation. The first respondent was also directed to ensure the ownership of the property which would satisfy the road frontage of 28.5 meters. The copy of the order of the Tribunal in Appeal No.540/2013 is produced as Ext.P3 in W.P.(C)No.7581/2014. In Ext.P3, there was specific finding as to the nature of land as garden land and the non-application of Paddy Land and Wet Land Act, 2008

and with respect to the permits and licenses obtained for establishing a petroleum outlet. It is crucial to note that Ext.P3 has become final and it was not challenged by the petitioner. Therefore, the parties now cannot go beyond the findings in the Ext.P3 regarding the nature of the property.

8. Complying with the directions of the Tribunal, the party respondents submitted a revised application for building permit. The learned senior counsel submits that the revised plan was in conformity with the conditions stipulated by the Chief Town Planner in his approval. Since there is no change in the usage of plot, no separate approval of Town Planner was required. As rightly pointed out by the senior counsel, proviso to Rule 199 of Kerala Panchayath Building Rules, 2011 enables minor changes in plan. Thereafter the first respondent considered the application in the light of the previous orders of the Tribunal and thereafter the building permit was issued on 26.10.2013 and accordingly the party respondents proceeded with the construction. However

while the construction was almost complete, the petitioner in W.P.(C)No.7581/2014 again filed Appeal No.1038/2013 challenging the building permit dated 26.10.2013. In the said appeal, he has reiterated the contentions in the previous appeal. The Tribunal found that there is compliance of Rule 61(1) of Kerala Panchayath Building Rules and Indian Road Congress Regulations and negatived all the contentions of petitioner after perusing entire file maintained by 1st respondent Panchayath. However, the Building Permit dated 26.10.2013 was set aside on technical grounds, that lease deed in favour of the Hindustan Petroleum Corporation was not sufficient and the Panchayath was directed to get fresh lease deed from the party respondents with the Hindustan Petroleum Corporation and to consider the application for building permit in compliance with Rule 61(2) of the Kerala Panchayath Building Rules, 2011 within 45 days from the date of Ext.P9 order. The said order is produced and marked as Ext.P9 and is impugned in W.P.(C)No.7581/2014. Since

there was an error apparent on the face of the records in Ext.P9 order, Tribunal with notice to all the parties, passed an order dated 20.02.2014, reviewing that part of Ext.P9 by which the lease deed in favour of Hindustan Petroleum Corporation was found to be insufficient as not in conformity with the Transfer of Property Act, 1882. The review order is produced and marked as Ext.R2(a) by the party respondents in W.P.(C)No.7581/2014. As per Ext.R2(a) order, the Tribunal held that lease deed in favour of the Hindustan Petroleum Corporation is valid and in conformity with Section 108 of Transfer of Property Act. Pursuant of the same, the Panchayath issued building permit on 14.03.2014 within the stipulated time. It is crucial to note that the writ petitioners were sleeping over the orders passed by the Tribunal on 30.01.2014 and 20.02.2014. Forty Five days fixed by the Tribunal in Ext.P9 order was over by 16.03.2014. Then the petitioner in W.P.(C)No.7581/2014 approached this Court with this writ petition on 17.03.2014. By this time, all the defects were cured by the party respondents and the Panchayath

had issued building permit to the party respondents on 14.03.2014. The learned senior counsel would submit that the construction was completed on the basis of the building permit. As rightly pointed out by the learned senior counsel, the writ petition challenging W.P.(C) No.7581/2014 has practically become infructuous. If at all, the petitioner was aggrieved by issuance of building permit, the remedy of the petitioner lies before Tribunal for Local Self Government Institutions.

9. The party respondents commenced their efforts for obtaining the building permit as early as from 2010. Now four rounds of litigations before the Tribunal for Local Self Government Institutions was over. There was previous litigations before this Court also. By interim order dated 05.11.2014, this Court has directed the Secretary of the respondent Panchayath to produce a copy of the revised plan along with counter affidavit stating as to whether the said plan has been taken note of by the authorities concerned while issuing NOCs. Direction was given to submit the copies of the NOCs

also.

10. Averments made in Para 3 to 6 in the counter affidavit would indicate that the new permit was issued in conformity with the revised plan.

11. On a consideration of the entire materials placed on board, this Court is of the definite view that the petitioners are not entitled to the reliefs prayed for in the writ petition.

In the result, these writ petitions fail and accordingly they are dismissed.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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//TRUE COPY//

P.A. TO JUDGE