

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 23240 of 2014 (D)

PETITIONER:

**MRS.RADHA MONY,
W/O.C.R.MONY, CHENNATHU HOUSE, KADAVOOR P.O.
NEDUVAKKAD, PAINGOTTOOR - 686 671.**

**BY ADVS.SRI.GEORGE JACOB (JOSE)
MEREENA J JOSEPH**

RESPONDENT(S)/RESPONDENTS:-:

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, LOCAL SELF GOVERNMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 3. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD, ERNAKULAM - 682 030.**
- 4. THE DISTRICT LEVEL AUTHORIZED COMMITTEE (CONSTITUTED
UNDER ACT 28 OF 2008),
REPRESENTED BY THE REVENUE DIVISIONAL OFFICER
ERNAKULAM DISTRICT - 682 011.**
- 5. THE PAINGOTTOOR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, PAINGOTTOOR
MUVATTUPUZHA - 686 661.**
- 6. THE SECRETARY,
PAINGOTTOOR GRAMA PANCHAYAT, PAINGOTTOOR
MUVATTUPUZHA - 686 661**

R5 & 6 BY ADV. SRI.P.M.BENZIR
R5 & 6 BY ADV. SRIG.G.MANOJ
R5 & 6 BY ADV. SRIJAICE JACOB
R5 & 6 BY ADV. SRIS.SARATH PRASAD
R BY GOVERNMENT PLEADER SRI. JUSTIN JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 23240 of 2014 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1.** **TRUE COPY OF THE SALE DEED NO.1847/12 OF
POTHANIKAD SUB-REGISTRY DATED 30.07.2012.**
- EXHIBIT P2.** **TRUE COPY OF THE NO OBJECTION CERTIFICATE OF R6
ISSUED UNDER RULE 133 OF THE KERALA PANCHAYAT
BUILDING RULES.**
- EXHIBIT P3.** **TRUE COPY OF THE CIRCULAR NO.61519/RA1/2011/LSGD
DATED 27.10.2012.**
- EXHIBIT P4.** **TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN
THE PETITIONER AND THE SECRETARY, PAINGOTTOOR
GRAMA PANCHAYAT.**
- EXHIBIT P5.** **TRUE COPY OF THE REPRESENTATION DATED 30.06.2014
OF THE PETITIONER SUBMITTED TO THE GRAMA
PANCHAYAT.**
- EXHIBIT P6.** **TRUE COPY OF THE ORDER OF THE PANCHAYAT
REJECTING EXHIBIT P5.**

RESPONDENT(S)' EXHIBITS

NIL

TRUE COPY

P.A TO JUDGE

SMM

DAMA SESHADRI NAIDU, J.

W.P.C. No. 23240 of 2014 (d)

Dated this the 23rd day of March, 2015.

JUDGMENT

In the light of the ratio laid down in **Ramankutty v. Principal Agricultural Officer** (2014 (3) KLT 730), this Court disposes of the writ petition on the same lines applying the ratio laid down by this Court in the said decision, thereby setting aside Ext.P3.

Consequently, the 6th respondent is directed to consider the petitioner's application for building permission afresh, if necessary, by referring the matter to the District Town Planner, after subjecting the land in question to physical verification, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

DAMA SESHADRI NAIDU, JUDGE

