

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).No. 23054 of 2015 (F)

PETITIONER(S) :

**PADMA PRASAD K.V., AGED 47 YEARS,
S/O.VISWAMBARA MENON, MANIKKATH HOUSE, PUNKUNNAM,
THRISSUR DISTRICT.**

**BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.VINAYA V.NAIR**

RESPONDENT(S) :

**AVANUR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, AVANUR,
THRISSUR DISTRICT-680 541.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 23054 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1 : TRUE COPY OF THE BUILDING PERMIT DATED 25-03-2011 ISSUED
BY THE RESPONDENT.**

**EXHIBIT P2 : TRUE COPY OF NOTICE DATED 27-05-2015 ISSUED BY
THE RESPONDENT PANCHAYAT.**

**EXHIBIT P3 AND P3(A) : TRUE COPY OF LETTER SUBMITTED BY
THE PETITIONER BEFORE THE RESPONDENT
PANCHAYAT ON 05-06-2015 AND ITS RECEIPT
DATED 05-06-2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.23054 of 2015

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Dated this the 30th day of July, 2015

JUDGMENT

The petitioner is seeking a direction to consider the explanation given by him to Ext.P3 letter.

2. The petitioner applied for construction of an apartment building before the respondent panchayat and permit was issued on 25.3.2011. The petitioner alleges that the construction was completed in the year 2015, strictly in accordance with the building permit and completion plan was submitted. An application for numbering the building and also for Fire NOC were submitted in the month of October, 2014.

3. After several reminders, the respondent panchayat issued a letter in May, 2015 pointing out certain defects in the completion plan. It was stated that after curing the defects the petitioner's application for NOC would be considered. The defects noted were

concerning parking area to be provided and regarding the distance to be maintained from the boundary on the right of the building. The other directions were to clear the waste from the dormitory and make it in a working condition and to submit a final fire NOC.

4. The petitioner submitted explanation on 5.6.2015 along with a detailed statement regarding the carpet area, showing the basis for providing 31 car parking areas for the building. It was also pointed out that the officials of the respondent panchayat had inspected the building and were satisfied regarding the set back. It was also pointed out that the dormitory has been cleaned up and is now in working condition. Regarding the fire NOC, it was pointed out that a recommendation letter has to be issued from the respondent panchayat to the Fire and Rescue Station for which already an application has been issued on 24.10.2014. However, the respondent has not considered the explanation. It is with this background, the petitioner has come up before this Court.

5. Arguments have been heard.

6. As the limited prayer in this writ petition is for a direction to consider the explanation submitted by the petitioner, this Court is of the view that this writ petition can be disposed of even without issuing notice to the respondents.

Therefore, this writ petition is disposed of directing the respondents to consider the explanation submitted by the petitioner to Ext.P3 letter within a period of three weeks from the date of receipt of a copy of this judgment after affording the petitioner an opportunity of being heard.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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