

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 23477 of 2015 (H)  
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PETITIONERS:  
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1. KAMARUDHEEN, S/O.ABDU HAJI, AGED 59 YEARS.
2. RASIYA KAMAR, W/O.KAMARUDHEEN, AGED 50 YEARS.

BOTH ARE RESIDING AT THAIPARAMBIL VAKKAT HOUSE,  
DHRISYA NAGAR, KRISHNAPURAM, OLLUKKARA P.O.  
THRISSUR DISTRICT.

BY ADVS.SRI.T.C.SURESH MENON  
SRI.P.S.APPU  
SRI.A.R.NIMOD

RESPONDENT:  
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PANANCHERY GRAMA PANCHAYATH  
REPRESENTED BY ITS SECRETARY, PATTIKKAD P.O.,  
THRISSUR - 680 652.

BY ADV. SRI.A.C.DEVY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :  
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- EXT.P-1: TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE  
OFFICE, PANANCHERY TO THE PETITIONERS DATED 15.6.2015.
- EXT.P-2: TRUE COPY OF THE ORDER PASSED BY THE RESPONDENT  
PANCHAYATH TO THE PETITIONERS DATED 16.7.2015.
- EXT.P-3: TRUE COPY OF THE MAHAZAR DATED 13.7.2015.
- EXT.P-4: TRUE COPY OF FEW PHOTOGRAPHS DEPICTING THE LIE OF THE  
PROPERTY DATED NIL.
- EXT.P-5: TRUE COPY OF THE JUDGEMENT IN WPC NO.14858/2015 ON  
THE FILE OF THIS HONOURABLE COURT DATED 16.6.2015.

RESPONDENT'S EXHIBITS: NIL.  
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// True Copy //

P.A. to Judge.

smp

**P.BHAVADASAN, J.**

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**Writ Petition (Civil) No.23477 OF 2015**  
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**Dated this the 18<sup>th</sup> day of September, 2015.**

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

Under challenge is Ext.P2 whereby the petitioners were denied sanction to put up a structure on the ground that the plinth area of the land in which they propose to construct building is more than 300 sq. meters.

2. Learned counsel appearing for the petitioners contended that there is no rule or regulation restricting the space and this is an artificial prohibition imposed by the panchayath without any legal sanction. Learned counsel also brought to the notice of this Court an identical situation which was considered by this Court in W.P.(C) No.26449/2015, which was disposed of by judgment dated 07.09.2015. Therein this Court found that the above stand of the local authority has no legal sanction and therefore the order was quashed and the panchayath was permitted to conduct local inspection of the property to ascertain the condition of the property and such other matters which are necessary for the

construction.

3. In the light of the fact that a similar case has already been disposed of, there is no reason as to why the same benefit should deny to the petitioner.

Therefore, Ext.P2 stands quashed. The respondent-Panchayath is directed to conduct local inspection of the property and ensure that the sanction sought for is granted in accordance with law.

Sd/-

**P.BHAVADASAN**  
**JUDGE**

smp