

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 24019 of 2015 (B)

PETITIONER:

SUPRY K.A., S/O ANTHO, AGED 51 YEARS,
KATTUPARAMBIL HOUSE, NAYARAMBALAM P.O.,
ERNAKULAM, PIN-682 509.

BY ADVS. SRI. P.K. SEBASTIAN
SRI. A.G. BASIL

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. NAYARAMBALAM GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY
NAYARAMBALAM P.O., ERNAKULAM PIN-682 509.
3. DISTRICT COLLECTOR,
ERNAKULAM DISTRICT,
CIVIL STATION, KAKKANAD,
COCHIN-682 030
4. PARISH PRIEST & VICAR,
ST. GEORGE CHURCH, VADEL,
NAYARAMBALAM P.O.,
ERNAKULAM, PIN-682 509

R4 BY ADV. SRI. NELSON J. MANAYIL
R2 BY ADV. SRI. K.N. CHANDRABABU
BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT , GRAMA PANCHAYAT
- EXT.P1(a) : TRUE COPY OF RECEIPT RECEIVED FROM THE PANCHAYAT
- EXT.P1(b) : TRUE COPY OF LEGIBLE TYPED COPY OF EXT.P1
- EXT.P2 : TRUE COPY OF REPRESENTATION MADE BY THE PETITIONER BEFORE THE 3RD RESPONDENT DISTRICT COLLECTOR DT. 26/6/15

RESPONDENT(S)' EXHIBITS

- EXHIBIT R2A : A TRUE COPY OF ORDER NO. C1-3997/2014/D.DIS. DATED 27.05.2014 ISSUED BY CHIEF TOWN PLANNER IN FAVOUR OF THE 4TH RESPONDENT.
- EXHIBIT R2B : NO OBJECTION CERTIFICATE NO.D1-4458/2014 ISSUED BY THE DIVISIONAL OFFICER (FIRE AND RESCUE SERVICES TO THE 4TH RESPONDENT.
- EXHIBIT R2C : ORDER NO. M8-16285/14/D.DIS DATED 16.10.2014 PASSED BY THE DISTRICT MAGISTRATE AND DISTRICT COLLECTOR, ERNAKULAM IN FAVOUR OF THE 4TH RESPONDENT.
- EXHIBIT R2D : A TRUE COPY OF THE BUILDING PERMIT NO. A4KPBR1183/2013-14 DATED 1.11.2014 ISSUED BY THE 2ND RESPONDENT PERMITTING THE 4TH RESPONDENT TO RE ERECT IN BUILDING NO. 83/1, 229/1 B7.
- EXHIBIT R2E : A TRUE COPY OF THE NOTIC ENO. A4-7403/13 DATED 29.07.2015 ISSUED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 24019 OF 2015

Dated this the 6th day of October, 2015

JUDGMENT

The dispute pertains to the construction of a wall in between a cemetery and church. The petitioner has already moved the third respondent District Collector in this regard. Ext.P2 representation is pending consideration. The petitioner calls in aid the Kerala Panchayat Raj (Burial and Burning Grounds) Rules, 1998.

2. I direct the third respondent to consider Ext.P2 representation with notice to the petitioner, second respondent, third respondent as well as the fourth respondent. All the parties shall be afforded sufficient opportunity to put forth their contentions. Final orders shall be passed on Ext.P2 representation within a period of two months.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**