

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 24129 of 2015 (M)

PETITIONER :

**INDUS TOWERS LTD.,
CIRCLE OFFICE AT: VANKARATH TOWERS,
8TH FLOOR, NH-47, PALARIVATTOM, KOCHI-24,
REPRESENTED BY ITS HEAD-LEGAL, MR.M.N.PREMAKRISHNAN NAIR.**

**BY ADVS.SRI.V.PHILIP MATHEW
SRI.GIBI.C.GEORGE**

RESPONDENT(S):

- 1. MUNDUR GRAMA PANCHAYAT,
MUNDUR .P.O., PALAKKAD DISTRICT,
PIN-678 592, REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY, MUNDUR GRAMA PANCHAYAT,
MUNDUR.P.O., PALAKKAD DISTRICT, PIN-678 592.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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WP(C).NO.24129/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE BUILDING PERMIT NO.A6/3067/2012 DATED 12/06/2012**
- P2 COPY OF THE JUDGMENT DATED 25/07/2012 PASSED BY THIS HON'BLE COURT IN WP(C).NO.17428/2012**
- P3 COPY OF THE ORDER DATED 18/09/2012 CANCELLING THE BUILDING PERMIT**
- P4 COPY OF THE ORDER DATED 23/03/2014 IN APPEAL NO.814/12 PASSED BY THE TRIBUNAL**
- P5 COPY OF THE JUDGMENT IN W.A.NO.1652/13**
- P6 COPY OF THE RENEWED PERMIT NO.A4-2720/2013 DATED 17/06/2013**
- P7 COPY OF THE ORDER DATED 11/02/2015 PASSED BY THE TRIBUNAL APPEAL NO.872/2014**
- P8 COPY OF THE ORDER NO.A4/3260/2014 DATED 05/06/2015 PASSED BY THE 2ND RESPONDENT**
- P9 COPY OF THE REPLY DATED 17/06/2015 SUBMITTED BY THE PETITIONER.**
- P10 COPY OF THE ORDER NO.A4/3260/14 DATED 25/06/2015 PASSED BY THE 2ND RESPONDENT TO DEMOLISH THE TOWER**
- P11 COPY OF THE ORDER DATED 07/07/2015 IN I.A.NO.1493/15 IN APPEAL NO.649/2015 PASSED BY THE TRIBUNAL STAYING EXHIBIT P10**
- P12 COPY OF THE APPLICATION DATED 30/06/2015 SUBMITTED BY THE PETITIONER FOR REGULARIZATION**
- P13 COPY OF THE NOTICE NO.A4-3263/15 DATED 14/07/2015 ISSUED BY THE 2ND RESPONDENT STATING THAT APPLICATION IS INFRUCTUOUS.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.24129 of 2015

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Dated this the 10th day of August, 2015

JUDGMENT

Aggrieved by the refusal to consider Ext.P12 application for regularisation submitted by the petitioner on the ground that the application is infructuous.

2. The second respondent issued Ext.P1 building permit dated 12.6.2012 to the petitioner for constructing a mobile tele-communication tower which was cancelled by Ext.P3 order dated 18.9.2012. Ext.P3 was set aside by the Tribunal for Local Self Government Institutions by Ext.P4 dated 23.3.2013. As per Ext.P6 dated 17.6.2013 the building permit was renewed for one more year. However, the petitioner could not complete the construction within the validity of permit due to interference by the respondent panchayat through various proceedings.

3. The petitioner submitted application dated 21.5.2014 for renewing the permit which was rejected. Against that, the petitioner filed Appeal No.872 of 2014 which was also dismissed by Ext.P7 dated 11.2.2015 permitting the petitioner to apply for regularisation. Subsequently, the second respondent issued Ext.P10 order dated 25.6.2015 directing the petitioner to demolish the town.

Ext.P10 has been stayed by the Tribunal as per Ext.P11 order. Therefore, the petitioner submitted Ext.P12 application by registered post for regularisation. However, the second respondent has issued Ext.P13 dated 14.7.2015 stating that the application for regularisation has become infructuous because of Ext.P10. It is with this background, the petitioner has approached this Court.

4. I have heard the learned counsel for the petitioner and the learned standing counsel for the respondent panchayat.

5. The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondents to consider and pass appropriate orders on Ext.P12 application within a time frame.

Considering the nature of the submission and the nature of the relief sought for, this writ petition is disposed of directing the respondent panchayat to consider and pass appropriate orders on Ext.P12 application after affording the petitioner and affected parties an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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