

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. 24734 of 2015 (N)

PETITIONER:

**RAMLA, AGED 45 YEARS,
D/O.MUHAMMED, KURUDANPARAMBIL HOUSE, VAIKKATHUR DESOM,
VALANCHERY.P.O, KATTIPARUTHY VILLAGE, TIRUR TALUK,
MALAPPURAM DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS:

- 1. VALANCHERY GRAMA PANCHAYATH,
VALANCHERY.P.O, MALAPPURAM-676552,
REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY,
VALANCHERY GRAMA PANCHAYATH, VALANCHERY.P.O,
MALAPPURAM-676552.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 24734 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 TRUE COPY OF THE LAND TAX RECEIPT DATED 30.06.2015**
- P2 TRUE COPY OF THE PETITIONER'S PROPERTY**
- P3 TRUE COPY OF THE POSSESSION CERTIFICATE DATED 05.08.2015**
- P4 TRUE COPY OF THE RECEIPT DATED 07.08.2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.24734 of 2015

Dated this the 13th day of August, 2015.

J U D G M E N T

The petitioner is aggrieved by the non consideration of his application for building permit.

2. The petitioner is having 10 cents (4.05 ares) of property in Sy.No.39/2 of Kattiparuthy village of Tirur Taluk of Malappuram district. According to the petitioner, the said property is a reclaimed land and is a residential area. It is also averred that the adjoining property owners constructed residential buildings and those lands were not suitable for paddy cultivation.

3. The petitioner submitted an application before the 2nd respondent for issuing building permit. However, the 2nd respondent has not passed any orders on the same, stating that in the revenue records, the property of the petitioner is shown as 'Nancha' (paddy land). According to the petitioner,

she clarified that her property is a dry land and it is not suitable for paddy cultivation and that the provisions of Paddy Act is not applicable. Therefore, she requested the 2nd respondent to take a decision in the light of the Division Bench decision reported in 2010(3) KLT 687, the 2nd respondent is not passing any orders in the matter. It is with this background, the petitioner has approached this Court.

4. I have heard the learned counsel for the petitioner.

5. As the learned counsel for the petitioner confined his arguments to a prayer for direction to the respondent to consider Ext.P4 application for building permit within a time frame, this Court is of the view that the writ petition can be disposed of even without issuing notice to the respondent panchayat.

Therefore, this writ petition is disposed of directing the 2nd respondent to consider and pass appropriate orders on Ext.P4, after conducting a local inspection of the petitioner's

property to see whether the property is fit for paddy cultivation at present and also after affording the petitioner an opportunity of being heard, within a period of 3 weeks of receipt of copy of this judgment.

Sd/-
A.V.RAMAKRISHNA PILLAI,
Judge.

ami/

//True copy//

P.A. to Judge