

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

WP(C).No. 24741 of 2015 (P)

PETITIONER(S) :

**JITHESH.T.K., AGED 34 YEARS,
S/O.T.K.BALAN, POOCHAPARAMBATH BALARAMA HOUSE,
P.O.CHOMBALA, VADAKARA, KOZHIKODE DISTRICT.,
REPRESENTED BY THE POWER OF ATTORNEY HOLDER,
T.K.BALAN, S/O.KUNHIRAMAN, AGED 64 YEARS.**

**BY ADVS.SRI.M.SASINDRAN
SRI.V.VENUGOPAL**

RESPONDENT(S) :

- 1. AZHIYOOR GRAMA PANCHAYATH,
ALIYUR PO-673 309, KOZHIKODE,
REPRESENTED BY ITS SECRETARY**
- 2. THE SECRETARY
AZHIYOOR GRAMA PANCHAYATH, ALIYUR PO-673 309
KOZHIKODE DISTRICT.**
- 3. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001**

**R1& R2 BY ADV. SRI.C.VATHSALAN
R1& R2 BY ADV. RAKESH ROSHAN TUSHARA
R3 BY SMT.ANITHA RAVINDRAN, SR.GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

AMV

WP(C).No. 24741 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1 :** COPY OF THE DEED DATED 29-5-2013.
- P2 :** COPIES OF THE SITE PLAN SUBMITTED BY THE PETITIONER.
- P3 :** COPY OF THE ORDER DATED 23-6-2015 ISSUED BY THE 2ND RESPONDENT.
- P4 :** COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER OF AZHIYOOR GRAMA PANCHAYATH.
- P5 :** COPY OF THE REPORT SUBMITTED BY THE VILLAGE OFFICER, AZHIYOOR BEFORE THE DISTRICT COLLECTOR, KOZHIKODE WITHOUT ENCLOSURES.
- P6 :** COPY OF THE CIRCULAR DATED 22-1-2011 VIDE NO.4545/RA1/LSGD.
- P7 :** COPY OF THE CIRCULAR DATED 31-7-2008 VIDE CIRCULAR NO.45846/RA1/08/LSGD.
- P8 :** COPY OF THE PHOTOGRAPH OF THE PETITIONER'S PROPERTY.
- P8(A) :** COPY OF THE PHOTOGRAPH OF THE PETITIONER'S PROPERTY.
- P8(B):** COPY OF THE PHOTOGRAPH OF THE PETITIONER'S PROPERTY.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

PA.TO JUDGE

AMV

V. CHITAMBARESH, J.

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W.P.(C).No.24741 of 2015(P)

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Dated this the 3rd day of November, 2015

JUDGMENT

Ext.P3 order passed on the basis of Ext.P7 circular cannot be sustained. This is because Ext.P7 circular has been superseded by Ext.P6 circular.

2. I quash Ext.P3 order and direct re-consideration of the issue. The same shall be done in the light of Ext.P6 circular. The 2nd respondent shall pass orders anew after notice to the petitioner within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of.

Sd/-

(V.CHITAMBARESH, JUDGE)

AMV/03/11/