

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

WP(C).No. 24799 of 2015 (Y)

PETITIONER:

THE ANTHIKAD GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY,
ANTHIKAD P.O., THRISSUR - 680 641.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:-

1. THE STATE OF KERALA REPRESENTED BY
THE SECRETARY TO THE GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS
THIRUVANANTHAPURAM - 695 001.
3. DEVASSY, THATTILMANDI HOUSE,
ANTHIKAD P.O., THRISSUR - 680 641.

R3 BY ADV. SMT.P.K.PRIYA
BY SENIOR GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE BUILDING PERMIT WITHH APPROVED PLAN DATED 28.12.2012.
- EXHIBIT P2 A TRUE COPY OF THE COMPLAINT OF ONE CHANDRAN DATED 27.08.2014.
- EXHIBIT P3 A TRUE COPY OF THE COMMUNICATION OF THE ASSISTANT ENGINEER TO THE PETITIONER DATED 18.09.2014.
- EXHIBIT P4 A TRUE COPY OF HTE ORDER PASSED BY THE PETITIONER DATED 25.10.2014.
- EXHIBIT P5 A TRUE COPY OF THE COMMUNICATION OF THE PETITIONER DATED 01.11.2014.
- EXHIBIT P6 A TRUE COPY OF THE NOTICE ISSUED BY THE PETITIONER DATED 01.06.2015.
- EXHIBIT P7 A TRUE COPY OF THE RESOLUTION OF THE PETITIONER DATED 27.07.2015.
- EXHIBIT P8 A TRUE COPY OF THE MAHASAR PREPARED DATED 29.07.2015.
- EXHIBIT P9 A TRUE COPY OF THE ORDER PASSED BY THE SECOND RESPONDENT IN IA NO.1694 OF 2015 IN R.P NO.123 OF 2015 DATED 30.07.2015.
- EXHIBIT P10 A TRUE COPY OF THE ORDER PASSED BY THE SECOND RESPONDENT IN IA NO.1753 OF 2015 IN RP NO.123 OF 2015 DATED 10.08.2015.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R3(a) THE TRUE COPY OF THE BUILDING PERMIT DATED 28.12.2012 ISSUED BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXHIBIT R3(b) THE TRUE COPY OF THE CONSENT GIVEN BY CHANDRAN.
- EXHIBIT R3(c) THE TRUE COPY OF THE NOTICE DATED 20.09.2014 SENT BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXHIBIT R3(d) THE TRUE COPY OF THE APPLICATION FILED BY THE 3RD RESPONDENT FOR THE REGULARIZATION OF THE CONSTRUCTION.
- EXHIBIT R3(e) THE TRUE COPY OF THE NOTICE DATED 14.10.2014.
- EXHIBIT R3(f) THE TRUE COPY OF THE NOTICE ISSUED BY THE PETITIONER TO THE 3RD RESPONDENT DATED 25.10.2014.
- EXHIBIT R3(g) THE TRUE COPY OF THE JUDGMENT DATED 04.11.2014 IN WP(C) NO. 28920/2014 ON THE FILES OF THE HONOURABLE HIGH COURT OF KERALA.

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- EXHIBIT R3(h) THE TRUE COPY OF THE ORDER DATED 22.11.2014 IN IA NO. 2687/204 IN APPEAL NO. 1258/2014 ON THE FILES OF THE 2ND RESPONDENT.
- EXHIBIT R3(i) THE TRUE COPY OF THE JUDGMENT DATED 10.12.2014 IN WP(C) NO. 30322/2014 on the FILES OF THE HONOURABLE HIGH COURT OF KERALA.
- EXHIBIT R3(j) THE TRUE COPY OF THE LICENSE ISSUED BY THE PETITIONER TO THE 3RD RESPONDENT FOR THE PERIOD OF 2014-2015.
- EXHIBIT R3(k) THE TRUE COPY OF THE LICENSE ISSUED BY THE PETITIONER TO THE WIFE OF THE 3RD RESPONDENT FOR THE PERIOD OF 2014-2015.
- EXHIBIT R3(l) THE TRUE COPY OF THE LICENSE ISSUED BY THE PETITIONER TO THE DAUGHTER IN LAW OF THE 3RD RESPONDENT FOR THE PERIOD OF 2014-2015.
- EXHIBIT R3(m) THE TRUE COPY OF THE LICENSE ISSUED BY THE PETITIONER TO THE SON OF THE 3RD RESPONDENT FOR THE PERIOD OF 2014-2015.
- EXHIBIT R3(n) THE TRUE COPY OF THE RECEIPT ISSUED BY THE ANTHIKKAD GRAMA PANCHAYATH DATED 09.02.2015.
- EXHIBIT R3(o) THE TRUE COPY OF THE COMMUNICATION ISSUED BY THE PETITIONER TO THE 3RD RESPONDENT DATED 10.03.2015.
- EXHIBIT R3(p) THE TRUE COPY OF THE JUDGMENT DATED 18.6.2015 IN WP(C) NO. 10941/2015 ON THE FILES OF THE HONOURABLE HIGH COURT OF KERALA.
- EXHIBIT R3(q) THE TRUE COPY OF THE RECEIPT OF THE DECISION OF ANTHIKKAD GRAMA PANCHAYATH DATED 27.07.2015 AND ITS COMMUNICATION ON 29.07.2015.
- EXHIBIT R3(r) THE TRUE COPY OF THE ORDER DATED 30.07.2015 ON THE FILES OF THE 2ND RESPONDENT IN IA NO. 1694/2015 IN REVISION PETITION NO. 123/2015.
- EXHIBIT R3(s) THE TRUE COPY OF THE APPLICATION SUBMITTED BY THE 3RD RESPONDENT TO THE PETITIONER DATED 30.07.2015.
- EXHIBIT R3(t) THE TRUE COPY OF THE ORDER IN IA NO. 1746/2015 IN REVISION PETITION 123/2015 ON THE FILES OF THE 2ND RESPONDENT DATED 10.08.2015.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 3rd day of September, 2015

JUDGMENT

Exts.P9 and P10 interim orders passed in R.P. No. 123/2015 on the file of the second respondent tribunal are impugned. It will be inequitable to interfere with the interim orders when the revision petition itself is ripe for hearing.

2. It is reported that three proceedings are pending on the file of the second respondent. Appeal No. 1258/2014 pertains to the demolition of the second floor. R.P. No. 123/2015 pertains to the refusal to renew building licence. There is yet another revision petition as regards the regularisation of unauthorised construction.

3. The parties are at variance as to whether the construction on the second floor is temporary or permanent. There is also a serious dispute as regards the alleged enclosure of the car park space. All these are factual aspects about which an adjudication is necessary by the second respondent.

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4. I direct the second respondent tribunal to dispose of R.P. No. 123/2015, Appeal No. 1258/2014 and the connected revision petitions. The petitioner and the third respondent undertook to appear before the second respondent on 28.09.2015 at 11 a.m. The second respondent shall advance the hearing of all these cases to 28.09.2015.

5. Every endeavour shall be made by the second respondent to pass final orders in the appeal/revision petitions on or before 31.10.2015. The keys of the shop rooms in question shall be handed over by the petitioner to the third respondent. The third respondent shall however not conduct any business therein till final orders are passed by the second respondent as directed.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd