

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 25166 of 2015 (U)

PETITIONER :

**SHIHABUDHEEN M.T.,
S/O. MUHAMMED ALI (LATE), AGED 24 YEARS,
MANNILTHODI HOUSE, VALILLAPUZHA P.O.,
MALAPPURAM DISTRICT.**

BY ADV. SRI.K.RAKESH

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
MALAPPURAM, PIN - 676 505.**
- 2. THE SECRETARY,
KEEZHUPARAMBU GRAMA PANCHAYATH,
KEEZHUPARAMBU P.O.,
MALAPPURAM DISTRICT - 673 639.**
- 3. THE SUB INSPECTOR OF POLICE,
AREACODE POLICE STATION,
MALAPPURAM DISTRICT - 679 638.**
- 4. MUHAMMED ALI MUKKOLI,
MUKKOLI HOUSE, THEKKINCHUVADU, VALILLAPUZHA P.O.,
MALAPPURAM DISTRICT - 673 639.**

R1 & R3 BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 25166 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE STOP MEMO ISSUED BY THE 2ND RESPONDENT DT. 25.7.2015.**
- P2 - TRUE COPY OF THE COMPLAINT MADE BY THE RESIDENTS OF WARD NO.VI OF KEEZHUPARAMBU GRAMA PANCHAYATH DT. 14.7.2015.**
- P3 - TRUE COPY OF THE COMPLAINT MADE TO THE 3RD RESPONDENT BY THE PETITIONER AND OTHERS DT. 03.8.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 25166 of 2015

Dated this the 18th day of August, 2015

J U D G M E N T

The petitioner is seeking a direction to the 1st respondent to consider Ext.P2 complaint submitted by the petitioner and the residents of Ward No.VI of respondent panchayath.

2. The petitioner alleges that the party respondent has put up an unauthorized building intended to be used for the purpose of worship without availing necessary permissions from the competent authorities. According to the petitioner, the said construction is almost completed disregarding Ext.P1 stop memo, which has been issued by the 2nd respondent. The petitioner and the neighboring residents also filed Ext.P2 complaint before the 1st respondent, detailing the anticipated malady that would be caused to the residents if a place of worship is allowed to be constructed. When there were excessive overt acts on the side of the party respondent to complete the construction in a haste, the petitioner and the residents filed Ext.P3 complaint before the 3rd respondent for police interference. The petitioner's grievance is that despite

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having done all possible efforts, the 4th respondent did not bother to obey the orders and now, the said construction is almost done. The petitioner apprehends that the 4th respondent would start a place of worship at his premises without availing the required permissions. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the 1st respondent to consider Ext.P2 within a time frame, this Court is of the view that the writ petition can be disposed of even without issuing notice to respondents 2 & 4.

Therefore, the writ petition is disposed of directing the 1st respondent to consider and pass appropriate orders on Ext.P2 after affording the petitioner and the 4th respondent 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

bka/-