

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

WP(C).No. 25421 of 2014 (C)

PETITIONER(S) :

KRISHNADAS,
S/O KRISHNAN, PULLAROTTIL HOSUE, KARAKKAD P.O.,
MALAPPURAM DISTRICT.

BY ADVS.SRI.P.SANTHOSH (PODUVAL),
SMT.R.RAJITHA &
SRI.K.D.SREEVISAKH.

RESPONDENT(S) :

1. VAZHIKKADAVU GRAMA PANCHAYAT,
VAZHIKKADAVU P.O.,
MALAPPURAM - 679 333.
2. THE TOWN PLANNER,
OFFICE OF THE DISTRICT TOWN PLANNER,
MALAPPURAM - 679 001.
3. THE DIRECTOR OF PANCHAYAT,
OFFICE OF THE PANCHAYAT DIRECTORATE,
THIRUVANANTHAPURAM - 695 001.
4. NATARAJAN K.,
S/O GOPALA PILLAI, KAKKANNOOR HOUSE,
KARAKKODE P.O.,
MALAPPURAM - 679 333.

R4 BY ADV. SRI.A.K.MADHAVAN UNNI,
BY GOVERNMENT PLEADER SRI.T.R.RAJESH &
R1 BY ADV. SRI.K.M.JAMALUDHEEN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1 TRUE COPY OF THE APPLICATION FOR BUILDING PERMIT
ALONG WITH THE BUILDING PLAN.

EXHIBIT P2 TRUE COPY OF THE BUILDING PERMIT DATED 01-01-2014
ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P3 TRUE COPY OF THE NOTICE DATED 15-02-2014 ISSUED BY
THE 1ST RESPONDENT.

EXHIBIT P4 TRUE COPY OF THE APPLICATION UNDER THE RIGHT TO
INFORMATION ACT.

EXHIBIT P5 TRUE COPY OF THE REPLY DATED 28-04-2014 ISSUED BY THE
1ST RESPONDENT.

EXHIBIT P6 TRUE COPY OF THE NOTICE DATED 30-04-2014 ISSUED BY
THE 1ST RESPONDENT.

EXHIBIT P7 TRUE COPY OF THE LETTER DATED 24-07-2014 ISSUED BY
THE 1ST RESPONDENT TO THE 2ND RESPONDENT.

EXHIBIT P8 TRUE COPY OF THE LETTER DATED 03-07-2014 ISSUED BY
THE 1ST RESPONDENT.

EXHIBIT P9 TRUE COPY OF THE APPLICATION DATED 22-05-2014
SUBMITTED BY THE PETITIONER BEFORE THE 1ST
RESPONDENT.

EXHIBIT P3 (A) TRANSLATION OF EXHIBIT P3.

EXHIBIT P6 (A) TRANSLATION OF EXHIBIT P6.

EXHIBIT P7 (A) TRANSLATION OF EXHIBIT P7.

EXHIBIT P8 (A) TRANSLATION OF EXHIBIT P8.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V.RAMAKRISHNA PILLAI, J

WPC No.25421 of 2014

Dated this the 15th day of June, 2015

JUDGMENT

The petitioner has come up before this Court aggrieved by Exts.P3 and P7 orders passed by the respondents.

2. The petitioner constructed a building in a small plot after obtaining building permit and on the basis of the approved plan. The first respondent upon a complaint filed by the 4th respondent, who is none other than the son of the assignor of the petitioner's property, issued a notice alleging that the construction is in violation of Section 220(b) of the Kerala Panchayat Raj Act. The petitioner replied stating that the road abutting the plot is not a notified one.

3. The second respondent had also sought for clarification from the Panchayat. The reply given by the Panchayat would not show that the road abutting

the plot is not notified. Thereafter another notice was issued stating that irrespective of whatever contained in Section 220(b), the building is constructed causing obstruction to the vehicular traffic and pedestrian movement and again directed demolition of the building. It is with this background the petitioner has come up before this Court.

4. Though sufficient opportunity was given to the respondent Panchayat to file counter, counter has not been filed.

5. Today when the matter came up for hearing, the learned counsel for the petitioner confined his argument to the limited prayer for the respondent Panchayat to reconsider the issue, in the light of the explanation given by the petitioner through lawyer's notice referred to in Ext.P6.

Therefore, this writ petition is disposed of directing the respondent Panchayat to re-consider the issue with reference to the lawyer's notice referred to in Ext.P6 order, within a period of two weeks from the

date of receipt of a copy of this judgment, after affording the petitioner an opportunity of being heard.

To facilitate an early action it shall be open to the petitioner to produce a copy of the writ petition, copy of this judgment and a copy of the lawyer's notice referred to in Ext.P6.

**sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

CSS/

true copy

P.S.TO JUDGE