

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C).No. 25957 of 2014 (T)

PETITIONER:

SAYYID HASSAN IMBICHKOYA THANGAL,
S/O.MOHAMMED KOYA THANGAL, AGED 50 YEARS,
VALIYAKKA THODUKAYIL HOUSE, HOSPITAL ROAD,
KADUNGATHUKUNDU, KALPAKANCHERI,
TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENTS:

1. KALPAKANCHERI GRAMA PANCHAYATH,
POST KALPAKANCHERY, MALAPPURAM DISTRICT,
PIN-676551 REPRESENTED BY ITS SECRETARY.
2. THE SECRETARY, KALPAKANCHERI GRAMA
PANCHAYATH, POST KALPAKANCHERI,
MALAPPURAM DISTRICT, PIN-676551.
3. THE KALPAKANCHERI GRAMA PANCHAYATH
COMMITTEE, POST KALPAKANCHERI,
MALAPPURAM DISTRICT, PIN-676551
REPRESENTED BY THE PRESIDENT.
4. KUNJUMOIDEEN, S/O.HYDROSE, MAYYERI HOUSE,
KIZHAKEPARA, POST PARAMMELANGADI,
MALAPPURAM DISTRICT, PIN-676551.

R1 & R3 BY ADV. SRI.S.MOHAMMED AL RAFI
R4 BY ADVS. SRI.BECHU KURIAN THOMAS
SRI.S.SREEDEV

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 25957 of 2014 (T)

PETITIONER'S EXHIBITS:

EXHIBIT P1 : TRUE COPY OF THE BUILDING PERMIT DATED 21-6-2012 ISSUED BY KALPAKANCHERI GRAMA PANCHAYATH.

EXHIBIT P2 : TRUE COPY OF THE REPRESENTATION DATED 21-1-2013.

EXHIBIT P3 : TRUE COPY OF THE REPRESENTATION DATED 6-3-2013.

EXHIBIT P4 : TRUE COPY OF THE REPORT OF THE OVERSEER, KALPAKANCHERI GRAMA PANCHAYAT DATED 5-4-2013.

EXHIBIT P5 : TRUE COPY OF THE STOP MEMO ISSUED BY R2 DATED 6.3.2013.

EXHIBIT P6 : TRUE COPY OF THE APPLICATION DATED 19-6-2014 SUBMITTED BY THE PETITIONER BEFORE THE VILLAGE OFFICER, KALPAKANCHERI.

EXHIBIT P7 : TRUE COPY OF THE REPLY DATED 16-7-2014.

EXHIBIT P8 : TRUE COPY OF THE NOTICE DATED 4-11-2011.

EXHIBIT P9 : TRUE COPY OF THE REPORT OF THE SPECIAL REVENUE INSPECTOR (LR) DATED 7-9-2012.

EXHIBIT P10 : TRUE COPY OF THE REPORT OF THE SPECIAL REVENUE INSPECTOR (LR) TIRUR DATED 31-8-2013.

EXHIBIT P11 : TRUE COPY OF THE PROCEEDINGS OF TIRUR LAND TRIBUNAL DATED 9-9-2013 IN SM 1722/2011.

EXHIBIT P12 : TRUE COPY OF THE MEMORANDUM OF APPEAL IN AA 10/2014 OF THE APPELLATE AUTHORITY, THRISSUR DATED 3-2-2014.

EXHIBIT P13 : TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER DATED 29-5-2014.

EXHIBIT P14 : TRUE COPY OF THE ORDER ISSUED BY THE SECOND DATED 3.6.2014.

EXHIBIT P15 : TRUE COPY OF THE APPEAL FILED BEFORE THE THE THIRD RESPONDENT DATED 25-9-2014.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.25957 of 2014 T

Dated this the 13th day of March, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for respondents 1 to 3, as well as the learned counsel for the fourth respondent, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Succinctly stated, the petitioner, a resident of Ward No.12 of the first respondent Grama Panchayat, has a grievance that the fourth respondent obtained Exhibit P1 building permit on the strength of certain forged and fabricated documents, apart from suppressing the material facts. In that respect, acting on the petitioner's Exhibits P2 and P3 representations, the second respondent is said to have issued Exhibit P5 stop memo.

3. Eventually, assailing Exhibit P1 building permit granted to the fourth respondent, the petitioner filed Exhibit P15

statutory appeal under Section 276(1) of the Kerala Panchayat Raj Act before the third respondent, the appellate authority. The petitioner has approached this Court seeking expeditious disposal of Exhibit P15 appeal.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel, as well as the learned counsel for the fourth respondent, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the third respondent to consider Exhibit P15 appeal filed by the petitioner in accordance with law, after affording an opportunity of hearing not only to the petitioner but also to the fourth respondent, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

tkv