

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

WP(C).No. 25930 of 2015 (M)

PETITIONER :

**C. PREMALATHA
W/O. RAJAN, RESIDING AT 'GURU BHAVAN'
THAZHAVA NORTH, EAST MANAPPALLY P.O.,
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT
PIN CODE -690 574.**

**BY ADVS.SRI. P.V. VENUGOPAL
SRI. L. RAJESH NARAYAN**

RESPONDENT(S) :

- 1. THAZHAVA GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY
THAZHAVA P.O, KARUNAGAPPALLY TALUK
KOLLAM DISTRICT, PIN CODE – 690 523.**
- 2. SECRETARY
THAZHAVA GRAMA PANCHAYATH
THAZHAVA P.O, KARUNAGAPPALLY, PALA
KOLLAM DISTRICT, PIN – 690 523.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF LETTER OF INTENT DATED 10/2/2010 ISSUED BY SENIOR
RETAIL SALES MANAGER I.O.C. IN FAVOUR OF PETITIONER.
- EXT.P2 COPY OF JUDGMENT IN WP(C) NO. 34116/2011 DATED 3/2/2014.
- EXT.P3 COPY OF JUDGMENT IN WP(C) NO. 2211/2011 DATED 26/8/2011.
- EXT.P4 COPY OF NO OBJECTION CERTIFICATE DATED 5/5/2015 TO
ESTABLISH A RETAIL PETROLEUM OUT LET UNDER CATEGORY
'KISSAN SEVA KENDRA' AT MANAPPALLY.
- EXT.P5 COPY OF APPLICATION DATED 13/8/2015 FOR ISSUING BUILDING
PERMIT.
- EXT.P6 COPY OF LOCATION SKETCH AND SITE PLAN.
- EXT.P7 COPY OF NO OBJECTION CERTIFICATE ISSUED BY EXECUTIVE
ENGINEER P.W.D. ROADS DIVISION, KOLLAM DATED 5/4/2010.
- EXT.P8 COPY OF NO OBJECTION CERTIFICATE ISSUED BY EXECUTIVE
ENGINEER P.W.D. N.H. DIVISION, KOLLAM DATED 24/3/2010.
- EXT.P9 COPY OF NO OBJECTION CERTIFICATE ISSUED BY DEPARTMENT OF
FIRE AND RESCUE SERVICE, KOLLAM DATED 30/3/2010.
- EXT.P10 COPY OF LETTER OF DISTRICT SUPERINTENDENT OF POLICE,
KOLLAM DATED 4/10
- EXT.P11 COPY OF REPORT BY TAHSILDAR ADDRESSED TO DISTRICT
MAGISTRATE DATED 24/4/2010.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

A.V.RAMAKRISHNA PILLAI, J

WPC No.25930 of 2015

Dated this the 21st day of August, 2015

JUDGMENT

The petitioner is seeking a time bound direction from the respondents to consider Ext.P5 application submitted by the petitioner for building permit within a time frame.

2. The petitioner is holding the eligibility to establish a retail petroleum outlet unit under the category “Kissan Seva Kendra” at Manappally. The District Magistrate under Rule 144 of the Petroleum Rules after inquiry finally issued NOC dated 5.5.2015. The petitioner had produced all documents for the issue of no objection certificate from the very inception of application under the category “Kissan Seva Kendra” at Manappilly including Letter of Intent by the second respondent oil marketing company to establish outlet unit for which she had leased out 34 cents of land comprised in Rey.No.617/13-4, 617/13-

5, 617/24-2 and 617/25 of Pavumba village in Karunagappally Taluk in Kollam District in the joint ownership of petitioner and her husband Rajan. In this regard, the second respondent Oil Marketing Company had approved the proposed lay out and location plan pertaining to Kissan Seva Kendra at Manappally. The petitioner had obtained all pre-requisite No Objection Certificates from every authority concerned warranting issue of No Objection Certificate under Rule 144 finally by the District Magistrate. In this regard, the Executive Engineer, PWD Roads Division, Kollam had issued No Objection Certificate addressed to the first respondent. Moreover, the Executive Engineer PWD, N.H.Division, Kollam had issued certificate addressed to the first respondent indicating that the site proposed having an extent of 34 cents comprised in Re.Sy.No.617/13-4, 617/13-5, 617/24-2 and 617/25 of Pavumba Village in Karunagappally Taluk in Kollam District is not on the side of the National Highway 47. In this regard

the department of Fire and Rescue Service, Kollam had issued No Objection Certificate addressed to the first respondent. In addition to the same, the District Superintendent of Police, Kollam had issued certificate addressed to the first respondent indicating that the site proposed having an extent of 34 cents comprised in Re.Sy.No.617/13-4, 617/13-5, 617/24-2 and 617/25 of Pavumba Village in Karunagappally Taluk in Kollam District. According to the petitioner, the Tahsildar, Karunagappally had given further report pursuant to the enquiry by the first respondent District Collector that there exists no schools, hospitals, fireworks unit or ice plant within a radius of 300 metres. In this regard the first respondent is legally bound to issue building permit. It is with this background the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner.

As the limited prayer in this writ petition is for a

direction to the respondents to consider and pass orders on Ext.P5, this Court is of the view that this writ petition can be disposed of without issuing notice to the respondents.

Therefore, this writ petition is disposed of directing the respondents to consider and pass orders on Ext.P5 within a period of two weeks from the date of receipt of a copy of this judgment.

sd/-A.V.RAMAKRISHNA PILLAI
JUDGE

CSS/

true copy

P.S.TO JUDGE