

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. 26134 of 2015 (N)

PETITIONER(S):

1. **M/S.J.J.ARTS & ENTERTAINMENTS P. LTD.,
ROCK SPRING, MANJANAKKADSU, NJRAKKAL P.O.,
VYPIN, KOCHI-682505, REPRESENTED BY SENIOR MANAGER
VINOY SURESH.**
2. **M/S.COUNTRY CLUB INDIA LIMITED,
AMRITHA CASTLE, OPP.SECRETARIAT,, SAIFABAD,
HYDERABAD, TELEGANA STATE, REPRESENTED BY
SENIOR MANAGER VINOY SURESH.**

BY ADV. SRI.RAJESH VIJAYENDRAN

RESPONDENT(S):

1. **NJARAKKAL GRAMA PANCHAYATH,
NJARAKKAL P.O., NJARAKKAL P.O., NJARAKKAL,
ERNAKULAM DISTRICT, PIN-682505, REP.BY ITS SECRETARY.**
2. **THE SECRETARY, NJARAKKAL GRAMA PANCHAYATH,
NJARAKKAL P.O., NJARAKKAL P.O., NJARAKKAL,
ERNAKULAM DISTRICT, PIN-682505.**

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

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF THE RESOLUTION NO.4(A) DATED 27/12/2004 OF THE PANCHAYAT COMMITTEE
- P2: COPY OF THE RESOLUTION NO.4(B) DATED 27/12/2004 OF THE PANCHAYAT COMMITTEE
- P3: COPY OF THE LETTER DATED 6/1/05 ISSUED BY SECRETARY TO SENIOR TOWN PLANNER.
- P4: COPY OF THE LETTER DATED 6/1/05 ISSUED BY SECRETARY TO KCZMA
- P5: COPY OF THE REPLY DATED 11/1/105 ISSUED BY SENIOR TOWN PLANNER TO SECRETARY.
- P6: COPY OF THE RECEIPT DATED 4/9/12 OF BUILDING NO.IV/151 ISSUED BY SECRETARY.
- P7: COPY OF THE RECEIPT DATED 4/9/12 OF BUILDING NO. IV/144 ISSUED BY SECRETARY.
- P8: COPY OF THE RECEIPT DATED 4/9/12 OF BUILDING NO.IV/141,142 & 143 ISSUED BY SECRETARY.
- P9: COPY OF THE LICENCE DATED 19/4/08 ISSUED BY SECRETARY.
- P10: COPY OF THE LICENCE DATED 13/4/09 ISSUED BY SECRETARY.
- P11: COPY OF THE ORDER DATED 4/5/15 ISSUED BY THE SECRETARY
- P12: COPY OF THE ORDER DATED 27/6/15 ISSUED BY THE SECRETARY
- P13: COPY OF THE ORDER DATED 27/6/15 ISSUED BY THE SECRETARY
- P14: COPY OF THE REPRESENTATION DATED 23/7/15 SUBMITTED BY THE PETITIONERS

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.26134 of 2015

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Dated this the 21st day of August, 2015

JUDGMENT

The petitioner is seeking a direction to the 2nd respondent to consider Ext.P14 representation.

2. The petitioners are companies registered under the Companies Act, 1956 and engaged in tourism business. Petitioners purchased properties along with the buildings at Njarakkal and has developed the said property as tourist resort. At the time of purchase itself, the buildings were situated in the properties and the said buildings were assessed to tax and numbered by the panchayat. The buildings had electricity and water connections and were in existence even prior to the issue of CRS notification in the year 1991. The Panchayat Committee as well as the Senior Town Planner has found that the buildings were in existence and can be regularised. The petitioner company acquired

the properties during the period between 2002 to 2008 with a view to develop the entire property as a tourism venture without demolishing the existing buildings and without disturbing the natural systems like the water channels, ponds etc. Accordingly, the company has carried out repairs to the existing buildings and also made renovation of the existing buildings. Except for constructing a temporary open car parking shed, all the other buildings were in existence at the time of purchase itself, though in a damaged condition due to old age. Disregarding the aforesaid aspects, the second respondent has treated the buildings as unauthorised buildings and assessed the same to tax accordingly. Petitioners have preferred Ext.P14 representation before the 2nd respondent pointing out the entire facts and requesting to consider the same and take a decision thereon. The representation is pending before the 2nd respondent. In the meanwhile the 2nd respondent is taking hasty steps to stop the functioning of the resort ; it is submitted by the petitioners. Aggrieved by the delay in consideration of the representation and the

steps taken by the panchayat to close down the resort, the petitioners have approached this Court.

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

As the learned counsel for the petitioners confined his arguments to a limited prayer for a direction to the respondent to consider Ext.P4, this Court is of the view that, the writ petition can be disposed of without issuing notice to the respondent.

Therefore, the writ petition is disposed of directing the 2nd respondent to consider Ext.P4 within one month of the date of receipt of copy of this judgment. Till final orders are passed, no coercive action shall be taken against the petitioner.

Sd/-
A.V.RAMAKRISHNA PILLAI,
Judge.

ami/

//True copy//

P.A. to Judge