

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 26399 of 2014 (Y)

PETITIONER:

GIREESH KUMAR, AGED 39 YEARS,
S/O.REGHUNATHAN PILLAI, GAURI BHAVANAM,
KOTTAMKARA, CHANDANATHOPE P.O,
KOLLAM DISTRICT, NOW WORKING AT AKTOR,
POST BOX NO.9213, DOHA, QATAR,
REP. BY HIS POWER OF ATTORNEY HOLDER SHYNI,
AGED 30 YEARS, D/O.SARASWATHY AMMA,
GAURI BHAVANAM, KOTTAMKARA,
CHANDANATHOPE P.O, KOLLAM DISTRICT.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS:

1. STATE OF KERALA
REP. BY SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
2. DEPUTY DIRECTOR OF PANCHAYATH,
OFFICE OF THE DEPUTY DIRECTOR, KOLLAM 691 001.
3. THE TAHSILDAR, KOLLAM 691 001.
4. KOTTAMKARA GRAMA PANCHAYATH
REP. BY ITS SECRETARY, KUTTICHIRA,
PKMC P.O, KOLLAM 691 001.

R1 TO R3 BY GOVERNMENT PLEADER SMT.C.K.SHERIN
R4 BY ADV. SRI.PRATHEESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 26399 of 2014 (Y)

PETITIONER'S EXHIBITS:

EXHIBIT P1. TRUE COPY OF THE SALE DEED OF THE PROPERTY.

EXHIBIT P2. TRUE COPY OF THE POSSESSION CERTIFICATE ALONG WITH THE LOCATION CERTIFICATE ISSUED BY THE VILLAGE OFFICER KOTTAMKARA WITH RESPECT TO THIS PROPERTY.

EXHIBIT P3. TRUE COPY OF THE TANDAPERU REGISTER OF THE PROPERTY.

EXHIBIT P4. TRUE COPY OF THE PLAN OF THE BUILDING SUBMITTED ALONG WITH THE APPLICATION.

EXHIBIT P5. TRUE COPY OF THE RECEIPT ISSUED BY THE 4TH RESPONDENT PANCHAYATH DATED 19.5.2014.

EXHIBIT P6. TRUE COPY OF THE CERTIFICATE ISSUED BY THE AGRICULTURAL OFFICER DATED 7.6.2014.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.26399 of 2014 Y

Dated this the 9th day of January, 2015

JUDGMENT

In the light of the ratio laid down in **Gopalakrishnan v. State of Kerala** (2011 (3) KLT 317), the present writ petition is also disposed of on the same lines applying the ratio laid down by the learned Division Bench in the said decision.

2. Keeping in view the ratio laid down in the judgment cited above, the respondent Corporation shall consider Exhibit P4 application of the petitioner, if necessary, after referring the matter to the District Town Planner and also taking into account all the aspects, including the revenue recovery records and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of month from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

tkv