

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 30333 of 2012 (N)

PETITIONER(S) :

**VEERAN, AGED 48 YEARS,
S/O.MUHAMMED, THALEKKARA PANDEYIL HOUSE,
ANTHIYOORKUNNU P.O., MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S):

- 1. THE PULIKKAL GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, PULIKKAL P.O.,
MALAPPURAM DISTRICT, PIN-673 637.**
- 2. THE SECRETARY,
PULIKKAL GRAMA PANCHAYATH, PULIKKAL,
MALAPPURAM DISTRICT, PIN-673 637.**

**BY ADVS. SRI.T.R.RAVI
SRI.P.S.MURALI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 30333 of 2012 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE COMMUNICATION ISSUED TO THE PETITIONER
BY THE 2ND RESPONDENT DATED 23.11.2012.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 30333 of 2012

Dated this the 15th day of January, 2015

J U D G M E N T

Aggrieved by Ext.P1 issued by the 2nd respondent, the petitioner has come up before this Court.

2. The petitioner has properties in RS No.197/1, 188/5-1 in Block No.8 of Pulikkal Village. The petitioner submitted an application before the respondents for the purpose of constructing a residential house. The said application was rejected by the 2nd respondent stating that the aforesaid properties were used as a quarry long ago and therefore, building permit cannot be considered before getting a reply from the Geologist and the Town Planner. Ext.P1 is the said communication. The petitioner alleges that the property is a plain land and granite rocks were removed long ago and there is absolutely no prohibition in constructing residential house in the properties. According to the petitioner, there is

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absolutely no necessity to get sanction from the Geologist or the Town Planner; and hence, Ext.P1 is liable to be quashed. Therefore, the petitioner has come up before this Court seeking for a direction to the panchayath to reconsider the application without insisting upon the reports of the Geologist or the Town Planner.

3. In the statement filed by the 1st respondent, it is stated that the Geologist is not in a position to grant no objection.

Therefore, the writ petition is disposed of directing the 2nd respondent to reconsider the application of the petitioner for building permit de hors Ext.P1.

The entire exercise shall be completed within a period of one month from the date of receipt of a copy of this judgment. To facilitate an early disposal, the petitioner shall be at liberty to produce a copy of this judgment along with a copy of the writ petition before the 2nd respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-