

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

WP(C).No. 27146 of 2015 (P)

PETITIONER(S):

**BIJOY DAVID, AGED 35 YEARS
S/O DAVID, RESIDING AT MOOLAMKKULAM, 208A
NETTISSERY P.O., THRISSUR-680657.**

**BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU
SRI.A.R.NIMOD**

RESPONDENT(S):

- 1. THE THRISSUR CORPORATION,
REPRESENTED BY ITS SECRETARY, CORPORATION OFFICE
THRISSUR-680 001.**
- 2. THE ASSISTANT ENGINEER
THRISSUR CORPORATION, ZONAL OFFICE, OLLUKKARA
THRISSUR-680655.**

**R1 & R2 BY ADV. SRI.K.P.VIJAYAN
R1 & R2 BY ADV. SRI.V.N.HARIDAS
BY SRI.K.P.VIJAYAN,SC,THRISSUR CORPORATION**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14-09-2015,
ALONG WITH W.P.C. NO. 27692/2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

ds

WP(C).No. 27146 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICE,
NETTISSEY TO THE PETITIONER DATED 2.7.2015.**

**EXHIBIT P2: TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT TO
THE PETITIONER DATED 31.8.2015.**

**EXHIBIT P3: TRUE COPY OF FEW PHOTOGRAPHS DEPICTING THE LIE OF THE
PROPERTY DATED NIL.**

**EXHIBIT P4: TRUE COPY OF THE JUDGMENT IN WPC NO.14858/2015 ON THE FILE
OF THIS HONOURABLE COURT DATED 16.6.2015.**

RESPONDENT(S)' EXHIBITS: NIL

//True copy//

P.A. to Judge

ds

P.BHAVADASAN, J.

W.P.C. Nos. 27146 & 27692 of 2015

Dated this the 14th day of September, 2015

J U D G M E N T

Strange are the ways of Corporation in adopting different standards to different people to see that people are harassed to the maximum. A typical example is the case on hand.

2. When the owner of a vacant land surrounded by buildings all around applied for building permit, he was denied the permit on the ground that the land is categorized as a paddy land in their records. One fails to understand how it could be so when permits have been given to all surrounding property owners of the petitioners where buildings and structures have been put up.

3. Petitioners have produced photographs of the property which would prima facie indicate that those are pucca garden lands. However, the Corporation sought to

characterize it as a paddy land and refused permission to put up the building. The Petitioners have approached this Court with the grievance that while all others are allowed to put up construction, they alone are refused permission. In similar cases, this Court had issued directions to the local authority concerned to inspect the property in question and satisfy themselves as to the nature of the property and if it is found that it is not a paddy land as of now, to grant permit in accordance with law. There is no reason as to why this Court should not adopt the same course in this case also.

4. Therefore, the respondent Corporation is directed to conduct an inspection of the properties in question and satisfy themselves as to the nature of the property and if it is found that it is not a paddy land as claimed by the Corporation, irrespective of the entry in their records, they shall grant permit for putting up the structures in accordance with law.

Consequently, Ext.P2, the order impugned shall stand quashed.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge