

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 27487 of 2014 (I)

PETITIONER :

**ZABIN HAROON, AGED 46 YEARS,
S/O. LATE A.M.HAROON, ZEBA COTTAGE, DESOM P.O.
ALUVA.**

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS :

- 1. THE KUNNUKARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KUNNUKARA P.O.,
PIN-683 524, ERNAKULAM DISTRICT.**
- 2. THE SECRETARY
KUNNUKARA GRAMA PANCHAYATH, KUNNUKARA P.O.,
ERNAKULAM DISTRICT-683 524.**

R1 & R2 BY ADV. SRI.S.SHANAVAS KHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE LAND TAX RECEIPT DTD.8.10.2012 ISSUED FROM THE KUNNUKARA VILLAGE OFFICE.
- P2 : COPY OF THE APPLICATION DTD.31.10.2012 FILED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, ERNAKULAM.
- P3 : COPY OF THE REPORT DTD.3.11.2012 SUBMITTED BY THE ADDITIONAL TAHSILDAR, PARAVOOR TO DISTRICT COLLECTOR, ERNAKULAM.
- P4 : COPY OF THE DIRECTION GIVEN BY THE DISTRICT COLLECTOR, ERNAKULAM DTD.13.12.2012.
- P5 : COPY OF THE BUILDING PERMIT DTD.9.4.2013 ISSUED BY THE 2ND RESPONDENT.
- P6 : COPY OF THE COMPLETION CERTIFICATE DTD.23.10.2013 SUBMITTED BY THE PETITIONER.
- P7 : PHOTOGRAPH SHOWING THE CONSTRUCTION AND SURROUNDING AREA.
- P8 : COPY OF THE RECEIPT DTD.23.10.2013 ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT
- P9 : COPY OF THE COMMUNICATION DTD.24.10.2013 ISSUED BY THE 2ND RESPONDENT.
- P10: COPY OF THE COMMUNICATION DTD.1.9.2014 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 27487 2014

Dated this the 23rd day of January, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner is said to have constructed a mercantile building on his property within the jurisdiction of first respondent Grama Panchayat, after obtaining the necessary building permit through Exhibit P5. When the petitioner applied for allotment of building number, it was rejected through Exhibits P9 and P10 by the second respondent on the premise that a Vigilance enquiry is pending against some of the officials of the Grama Panchayat. Aggrieved thereby, the petitioner has approached this Court.

3. The learned counsel for the Grama Panchayat has fairly submitted that the Grama Panchayat is willing to consider the petitioner's application referred to in Exhibit P10 without

reference to the Vigilance enquiry, but, subject to the petitioner's compliance with all other statutory parameters.

4. In the facts and circumstances, having regard to the respective submission of the learned counsel for the petitioner and the learned counsel for the respondents, this Court hereby sets aside Exhibits P9 and P10 with a further direction to the second respondent to consider petitioner's applications without reference to the Vigilance enquiry, as has been submitted by the learned counsel for the Grama Panchayat, and take necessary decision in that regard in accordance with law. It is made clear that the second respondent may expedite the process and complete the proceedings at the earliest, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

With the above observation, this writ petition is disposed of.

DAMA SESHADRI NAIDU
JUDGE

DMR/-