

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C).No. 27344 of 2015 (P)

PETITIONER:

**M/S. SHA BUILDERS & DEVELOPERS (P) LTD.,
REPRESENTED BY ITS MANAGING PARTNER,
M.A. SHAMEER, 35 YEARS OF AGE,
S/O.ABDULLA KUNHI HAJI,
RESIDING AT M.A.K.HOUSE, MASTHIKKUND,
MULIYAR VILLAGE, POST MULIYAR - 671542,
KASARGOD TALUK.**

**BY ADVS.SRI.SHIRAZ ABDULLA
SRI.JOJO PAPPACHAN**

RESPONDENT(S):

- 1. THE SUB COLLECTOR,
REVENUE DIVISIONAL OFFICE,
KASARGOD AT KANHANGAD,
KASARGOD DISTRICT - 671315.**
- 2. THE VILLAGE OFFICER,
MANGALPADI, P.O. MANGALPADI, UPPALA,
KASARGOD DISTRICT - 671324.**
- 3. MANGALPADI GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
PO.MANGALPADI, UPPALA,
KASARGOD DISTRICT - 671324.**

R1 & R2 BY SENIOR GOVERNMENT PLEADER SRI.BIJU MEENATTOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 27344 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS:

P1: TRUE COPY OF THE JUDGMENT DTD. 24.10.2014 IN WPC.NO.19068/2014.

P2: TRUE COPY OF THE ORDER DTD. 12.12.2014 ISSUED BY RESPONDENT.

P3: COPY OF THE REPRESENTATION DTD.12.12.2014 SUBMITTED BY THE PETITIONER.

P4: TRUE COPY OF THE COMMUNICATION DTD. 19.12.2014 ISSUED BY THE RESPONDENT.

P5: TRUE COPY OF THE JUDGMENT DTD.11.03.2015 IN CON.CASE (C) NO.369/2015.

RESPONDENTS' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 27344 of 2015

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Dated this the 22nd day of September, 2015

J U D G M E N T

The petitioner purchased the land referred in Ext.P2 order from the applicant mentioned in the Ext.P2.

2. The applicant approached the Sub Collector, Kanhangad under clause 6 of the land utilization order. The application was allowed pursuant to the direction of this Court. As per the order, the following directions are issued.

“1. Construction should be done without affecting the adjoining paddy fields.

2. There should not be any water scarcity in the adjoining paddy fields due to construction of residential buildings.

3. Waste water should not be allowed to flow to the paddy fields.

4. There should not be any problem due to the waste materials from residential houses in this land in question to the adjoining paddy field.

5. There should not be any obstruction to natural flow of water due to the construction of compound wall or any other construction.

6. All construction activities in the land in question should be in accordance with the existing Panchayath Raj Act & other related laws.

7. Water channel or source of water to paddy fields should not be obstructed due to the construction work.

8. There should not be problem in future years also for the cultivation in the adjoining paddy lands.”

3. The petitioner's present grievance is that the petitioner's

name may also be included in Ext.P2 order to enable him to have the benefit of the above KLU order.

4. The petitioner's present plea of inclusion of their name cannot be accepted. The order is granted to an applicant who is the assignor of the petitioner. However the directions in Ext.P2 order are running with the land. Therefore the petitioner can have the benefit of that order for any construction being undertaken by them. That order will enure the benefit of the petitioner. Therefore it is ordered that Ext. P2 order shall also be enured to the benefit of the petitioner and no action shall be taken against the petitioner, unless for any violation of Ext.P2 order. The petitioner shall be bound to strictly follow the directions of Ext.P2 for any construction. If there is any violation of Ext.P2 order, any proceedings can be initiated against the petitioner.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE