

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. 27769 of 2014 (U)

PETITIONER:

PARAPARATH ASOKAN, EKILLISSERY HOUSE,
KUNITHALA, PERAVOOR PO, KANNOOR.

BY ADV. SRI.ARUN CHANDY

RESPONDENTS:

1. PERAVOOR GRAMMA PANCHAYATH,
PERAVOOR PO, REP. BY ITS SECRETARY,
KANNUR-670 673.
2. VILLAGE OFFICER
PERAVOOR VILLAGE 670 673.

R1 BY ADVS. SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETIL
SRI.P.SAJU

R2 BY GOVERNMENT PLEADER SMT. C.K.SHERIN

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. 27769 of 2014 (U)

PETITIONER'S EXHIBITS:

EXHIBIT P1: TRUE PHOTOCOPY OF TAX RECEIPT DATED 5.12.2013

EXHIBIT P2: TRUE COPY OF THE PARTITION DEED DATED 1.2.2012

EXHIBIT P3: COPY OF THE RECEIPT DATED 4.4.2014 ISSUED BY THE IST RESPONDENT

EXHIBIT P4: COPY OF THE REJECTION NOTICE DATED 10.7.2014 ISSUED BY THE IST RESPONDENT

EXHIBIT P5: COPY OF PHOTOGRAPHS SUBMITTED BY THE PETITIONER

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.27769 of 2014 U

Dated this the 9th day of January, 2015

JUDGMENT

In the light of the ratio laid down in **New India Assurance Co. Ltd. v. Ayisha** (2011 (3) KLT 319), 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, thereby quashing Exhibit P4.

Consequently, the respondent Panchayat is directed to consider the application of the petitioner for building permission afresh, if necessary, by referring the matter to the District Town Planner, and subjecting the petitioner's property to physical verification, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within a period of one month from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

tkv