

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

WP(C).No. 28338 of 2014 (N)

PETITIONER:

JAMALUDEEN O.A.,
S/O.AMEEN NAINA, OLAKKOTTE HOUSE, EDATHIRINJI P.O.
EDATHIRINJI DESAM, EDATHIRINJI VILLAGE
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADVS.SMT.P.DEEPTHI
SRI.SABU JOHN

RESPONDENTS:

1. PADIYUR GRAMA PANCHAYAT,
EDATHIRINJI P.O., MUKUNDAPURAM TALUK
THRISSUR DISTRICT-680122.

2. PADIYUR GRAMA PANCHAYAT,
REP. BY THE SECRETARY
PADIYUR GRAMA PANCHAYAT OFFICE, EDATHIRINJI P.O.
MUKUNDAPURAM TALUK, THRISSUR DISTRICT-680122.

R1-R2 BY ADV. SRI.T.N.MANOJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

RKC

APPENDIX

PETITIONER'S EXHIBITS

- P1: COPY OF THE SALE DEED BEARING NO.1641/1/06 DT.08.09.2006.
- P2: COPY OF THE PARTITION DEED BEARING NO.1481/1982.
- P3: COPY OF THE POSSESSION CERTIFICATE DATED 10/10/2013.
- P4: COPY OF THE NON ENCUMBRANCE CERTIFICATE DATED 26/09/2013.
- P5: COPY OF THE RECEIPT BEARING NO.5416395 DATED 12/09/2014 ISSUED FROM THE PADIYUR GRAMA PANCHAYATH.
- P6: COPY OF THE LAND TAX RECEIPT ISSUED FROM THE EDATHIRINJI VILLAGE OFFICE DATED 11/06/2014.
- P7: COPY OF THE SET OF PLAN ISSUED BY THE BUILDING SUPERVISOR.
- P8: COPY OF THE COMPLETION CERTIFICATE.
- P9: COPY OF THE APPLICATION FOR PERMIT/REGULARISATION.
- P10: COPY OF THE APPLICATION UNDER RIGHT TO INFORMATION ACT FILED BEFORE THE AGRICULTURE OFFICER, PADIYUR.
- P11: COPY OF THE DRAFT DATA BANK FOR THE SY NO.297 OF EDATHIRINJI VILLAGE.
- P12: COPY OF THE SERIES OF PHOTOGRAPHS.

RESPONDENTS' EXHIBITS: NIL

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TRUE COPY

PA TO JUDGE

P.V.ASHA, J.,

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Dated this the 11th day of June, 2015

JUDGMENT

The grievance of the petitioner is that the respondents are not acting upon Ext.P9 application for regularisation of the construction already carried out on the roof of his existing building. According to the petitioner, he has been regularly remitting tax and all other payments to all the statutory authorities, in respect of the building.

2. The learned counsel for the respondents submitted that there is an unauthorised construction on the roof of the existing building and that construction has been carried out without permit.

3. Heard the learned Counsel on both sides. Ext.P9 application is seen submitted requesting for regularisation of the aforesaid construction. In view of the fact that there is a provision for regularisation, it is only appropriate that the Panchayat considers Ext.P9 application, in accordance with rules.

Therefore, this writ petition is disposed of, directing the

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respondents to consider and pass orders on Ext.P9 application, after affording an opportunity of hearing to the petitioner and other affected parties if any, within a period of two months from the date of receipt of a copy of this judgment.

Sd/-

**P.V.ASHA,
JUDGE.**

rkc