

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No. 28183 of 2015 (W)

PETITIONER(S):

THARA, D/O.MADHAVAN , AGED 47 YEARS,
RESIDING AT CHIRAYATH HOUSE, 17/728,
PUZHAMBALLAM, PUTHUR P.O., THRISSUR DISTRICT.

BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU

RESPONDENT(S):

PUTHUR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, PUTHUR P.O.,
THRISSUR 680 014.

BY ADV. SRI.M.PREMCHAND

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 28183 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

P1:TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER,
MARATHAKKARA TO THE PETITIONER DATED 01.09.2015

P2:TRUE COPY OF THE ORDER PASSED BY THE RESPONDENT
PANCHAYATH TO THE PETITIONER DATED 04.08.2015

P3:TRUE COPY OF THE CERTIFICATE ISSUED BY THE KRISHI OFFICER,
KRISHI BHAVAN PUTHUR DATED 08.09.2015

P4:TRUE COPY OF THE JUDGMENT IN WPC.NO.14858/2015 ON THE
FILE OF THIS HONOURABLE COURT DATED 16.06.2015

RESPONDENT(S)' EXHIBITS

P. BHAVADASAN, J.

W.P.(C). No. 28183 of 2015

Dated this the 29th day of September, 2015.

JUDGMENT

Under challenge is Ext.P2 order whereby the first respondent rejected the application for building permit made by the petitioner for construction in the property comprised in R.S. No. 112/26 of Marathakkara Village on the ground that as per the possession certificate, the property is shown as paddy field. The petitioner assailed the said order by pointing out that the Agricultural Officer who issued Ext.P3 dated 8.9.2015 has certified that the property in which building is sought to be put up having an extent of 5 cents on inspection was found to contain teak trees and coconut trees aged 20 years and above. The property has been completely reclaimed long ago.

2. Learned counsel for the respondent pointed out that Ext.P3 is obtained subsequent to the issuance of Ext.P2.

3. The petitioner could not have anticipated that his application for permit would be rejected on the ground now relied on by the Panchayat. It is in that context Ext.P3 will have to be viewed. It is therefore necessary to reconsider the issue.

In the result, the impugned order Ext.P2 is quashed and the respondent is directed to inspect the property and ascertain the nature of the land the then proceed with the matter in accordance with law.

The writ petition is disposed of as above.

sb.

P. BHAVADASAN,
JUDGE