

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 28334 of 2015 (N)

PETITIONER(S):

**PAULOSE A ARICKAL, AGED 56 YEARS,
S/O.ANTONY A.D, ARICKAL HOUSE, KINFRA PARK P.O
THRISSUR DISTRICT, 680 309.**

BY ADV. SRI.P.JOSHY JOSE

RESPONDENT(S):

**MELOOR GRAMA PANCHAYAT
MELOOR P.O, THRISSUR DISTRICT
REPRESENTED BY ITS SECRETARY 680 311.**

BY ADV. SRI.P.V.PAULSON

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 28334 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE LAND TAX RECEIPT DATED 11.2.15 ISSUED BY THE VILLAGE OFFICER, MURINGOOR VADAKKUMURY TO THE PETITIONER.**
- EXHIBIT P2. COPY OF THE BUILDING TAX RECEIPTS DATED 26.03.2015 ISSUED BY THE RESPONDENT TO THE PETITIONER.**
- EXHIBIT P3. COPY OF THE LICENSES DATED 1.7.11 ISSUED BY THE RESPONDENT PANCHAYAT TO THE PETITIONERS BUSINESS UNITS.**
- EXHIBIT P4. COPY OF THE ACKNOWLEDGMENT DATED 28.5.15 ISSUED BY THE DEPARTMENT INDUSTRIES TO THE PETITIONER.**
- EXHIBIT P5. COPY OF THE REJECTION ORDER DATED 18.8.15 ISSUED BY THE RESPONDENT TO THE PETITIONER.**
- EXHIBIT P6. COPY OF THE PHOTOGRAPHS (TWO NUMBERS) SHOWING THE LYE OF PETITIONERS PROPERTY.**
- EXHIBIT P7. COPY OF THE RELEVANT PAGE OF THE DATA BANK REGISTER.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A TO JUDGE

SN

ANU SIVARAMAN, J.

W.P.(C). No.28334 of 2015

Dated this the 16th day of December, 2015

JUDGMENT

This writ petition is filed challenging Ext.P5 order issued by the respondent rejecting petitioner's application for construction of a commercial building in his property. It is submitted by the petitioner that the land was planted with coconut trees at the time of his purchase of the property. It is further contended that holding permits have already been granted to the petitioner to construct in the property and therefore he is entitled to grant of building permit for construction of the commercial building in the property. Petitioner has also produced Ext.P6 photographs to show that the property is not 'nilam' or paddy land.

2. Heard the learned counsel for the petitioner and learned Standing Counsel for the respondent.

3. It is submitted by the learned counsel appearing for the respondent that the petitioner already claim that he had already put up buildings under permit

from the local authority is the property and that property tax is being collected for the same had not been noticed by the 2nd respondent. It is also stated that no site inspection had been conducted prior to Ext.P5.

In the above circumstances, Ext.P5 is set aside. The 2nd respondent is directed to conduct a local inspection to ascertain the present lie as well as the condition of the property and consider the application preferred by the petitioner for building permit in accordance with law. Petitioner is free to produce any relevant material which will also be taken into account by the 2nd respondent. The petitioner shall also be given an opportunity of being heard. Final Order in this regard shall be passed by the respondent within a period of one month from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of this judgment along with a copy of writ petition before the respondent for compliance.

**Sd/-ANU SIVARAMAN,
Judge**

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