

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

WP(C).No. 28983 of 2014 (W)

PETITIONER(S):

**MUBEENA MANGALADAN, AGED 29 YEARS,
W/O.SHAHID, RESIDING AT P.V.HOUSE, P.O.PORARA,
KANNUR DISTRICT.**

BY ADV. SRI.CIBI THOMAS

RESPONDENT(S):

- 1. MATTANNUR MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, P.O.MATTANNUR,
KANNUR DISTRICT - 670 702.**
- 2. THE SECRETARY,
MANNANNUR MUNICIPALITY, P.O.MATTANNUR,
KANNUR DISTRICT - 670 702.**

**BY ADVS. SRI.V.M.SYAM KUMAR
SMT.KRIPA ELIZABETH MATHEWS
SMT.P.F.ROSY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE TAX RECEIPT OF THE YEAR 2014.

EXHIBIT-P2: TRUE COPY OF THE ORDER DATED 28.6.2014 ISSUED BY THE
2ND RESPONDENT.

EXHIBIT-P3: ORIGINAL PHOTOGRAPHS OF THE PROPERTY OF THE PETITIONER.

EXHIBIT-P3(A): ORIGINAL PHOTOGRAPHS OF THE PROPERTY OF THE PETITIONER.

IA.NO.15788/2014 IN WPC.NO.28983/2014

EXHIBIT-P4: TRUE COPY OF THE LETTER DTD.30.8.2014 ISSUED BY THE REGIONAL
JOINT DIRECTOR, DEPARTMENT OF URBAN AFFAIRS, KOZHIKODE.

IA.NO.2186/2015 IN WPC.NO.28983/2014

EXHIBIT P2(a): TRUE COPY OF ENGLISH TRANSLATION OF EXT.P2.

EXHIBIT P4: A TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE LOCAL
LEVEL MONITORING COMMITTEE.

EXHIBIT-P4(a): TRUE COPY OF THE ACKNOWLEDGMENT CARD EVIDENCING
RECEIPT OF EXT.P4.

IA.NO.9126/2015 IN WPC.NO.28983/2014

EXT.P4: TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT.

IA.NO.15257/2015 IN WPC.NO.28983/2014

EXT.P6: TRUE COPY OF THE ORDER OF THE SUB COLLECTOR, THALASSERY
DTD.23.9.2015.

IA.NO.17028/2015 IN WPC.NO.28983/2014

EXT.P6: TRUE COPY OF THE ORDER ISSUED BY THE REVENUE DIVISIONAL OFFICER,
THALASSERY DTD.23.9.2015.

EXT.P7: TRUE COPY OF THE ORDER OF THE RESPONDENT MUNICIPALITY
DTD.12.10.2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K.HARILAL, J.

W.P.(C) No.28983 of 2014

Dated this the 25th day of November, 2015.

JUDGMENT

The petitioner is the owner in possession of 2 cents of property in Ward No.34 of the 1st respondent Municipality. The petitioner wanted to construct a building in the said property. Therefore, he submitted an application for building permit before the 1st respondent Municipality. But, the 1st respondent dismissed the said application as per Ext.P2 stating that the title deed of the said property contains the description as 'Nilam'. In the above circumstance, this writ petition is filed praying for issuing a writ of certiorari calling for the records leading to Ext.P2 and to quash the same.

2. During the pendency of this writ petition, the petitioner has approached the Revenue Divisional Officer seeking permission to convert the said property under the provisions of the Kerala Land

Utilisation Order. After considering that application the Revenue Divisional Officer, by Ext.P6 order, granted sanction to convert the said land for the purposes other than paddy cultivation. Therefore, the matter in issue requires re-consideration, in view of Ext.P6 order.

3. In the above view of the matter, Ext.P2 order will stand set aside. The 1st respondent Municipality is directed to re-consider the application for building permit, in view of Ext.P6 order, within a period of two months from the date of receipt of a copy of this judgment.

This writ petition is disposed of accordingly.

Sd/-
K. HARILAL, JUDGE

okb.