

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. 29162 of 2014 (U)  
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PETITIONERS:

1. SHAJIL DASAN, S/O DASAN, AGED 41 YEARS,  
S/O.DASAN, THEKKEKARA HOUSE, PURANGU P.O.,  
PONNANI TALUK, MALAPPURAM DISTRICT.
2. KRISHNAPRIYA SHAJIL, W/O.SHAJIL DASAN,  
THEKKEKARA HOUSE, PURANGU P.O.,  
PONNANI TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

1. PALAKKAD MUNICIPALITY,  
REP. BY ITS SECRETARY, MUNICIPAL OFFICE,  
PALAKKAD - 678 001.
2. THE DISTRICT TOWN PLANNING OFFICER,  
PALAKKAD, CIVIL STATION, PALAKKAD - 678 001.
3. THE STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF LOCAL SELF GOVERNMENT,  
THIRUVANANTHAPURAM, PIN - 695 001.

R1 & R2 BY ADVS. SRI.T.C.SURESH MENON

SRI.P.S.APPU

R3 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. 29162 of 2014 (U)**

PETITIONER'S EXHIBITS:

EXHIBIT P1. A TRUE COPY OF THE POSSESSION CERTIFICATE DATED 3 JULY 2014 ISSUED BY THE VILLAGE OFFICER, PALAKKAD VILLAGE - II.

EXHIBIT P1(a). A TRUE COPY OF THE POSSESSION CERTIFICATE DATED 3 JULY 2014 ISSUED BY THE VILLAGE OFFICER, PALAKKAD VILLAGE - II.

EXHIBIT P2. A TRUE COPY OF THE ORDER DATED 28 OCTOBER 2014 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P3. A TRUE COPY OF THE JUDGMENT REPORTED IN 2011(3) KHC 162 (DB) OF THIS HON'BLE COURT.

EXHIBIT P4. A TRUE COPY OF THE JUDGMENT DATED 18.11.2011 IN W.P.(C) NO.27778/2011.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

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W.P.(C)No.29162 of 2014 U  
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Dated this the 9<sup>th</sup> 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 P2.

Consequently, the first respondent is directed to consider the application of the petitioner for building permission afresh, if necessary, by referring the matter to the second respondent, and subjecting the petitioners' 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