

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).NO. 29356 OF 2014 (T)

PETITIONER(S):

**ABDUL KHADAR.K., S/O.MARAKKAR,
PARAKKAL HOUSE, PONNIYAKURISSI,
PERINTHALMANNA P.O., MALAPPURAM DISTRICT-679 322.**

BY ADV. SRI.U.K.DEVIDAS.

RESPONDENT(S):

**THE PERINTHALMANNA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, PERINTHALMANNA,
MALAPPURAM DISTRICT-676 322.**

BY ADV. SRI.P.C.SASIDHARAN, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 : TRUE COPY OF THE PARTITION DEED NO.637/2009 OF SRO PERINTHALMANNA DATED 03-02-2009.
- EXT.P2 : TRUE COPY OF THE NOTICE DATED 17-06-2010 UNDER SECTION 9(3) OF THE LAND ACQUISITION ACT.
- EXT.P3 : TRUE COPY OF THE PAY ORDER CHEQUE DATED 20-08-2010 ISSUED BY THE TREASURY OFFICER.
- EXT.P4 : TRUE COPY OF THE RELEVANT PAGE OF THE DATA BANK.
- EXT.P5 : TRUE COPY OF THE POSSESSION CERTIFICATE DATED 14-08-2014.
- EXT.P6 : TRUE COPY OF THE ORDER DATED 18-10-2014 PASSED BY THE RESPONDENT.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 29356 of 2014 (T)

Dated this the 5th day of February, 2015.

JUDGMENT

In the light of the ratio laid down in Mohammed Abdul Basheer v. State of Kerala (2012 (3) KLT 86), this Court disposes of the writ petition on the same lines applying the ratio laid down by this Court in the said decision, thereby setting aside Ext.P2.

Consequently, the respondent is directed to consider the petitioner's application for building permission afresh, if necessary, by referring the matter to the District Town Planner, after subjecting the land in question to physical verification, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

Sd/- DAMA SESHADRI NAIDU, JUDGE.

