

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. 29426 of 2015 (C)

PETITIONER(S):

1. K.P. THAMBI, S/O. PAVUNNY K.C., AGED 48 YEARS,
RESIDING AT KULATHOOR HOUSE, KAIRALI NAGAR,
PUTHANVATTU ROAD, FORT EAST,
THRISSUR-680 005.
2. P.C. WILSON, S/O. P.T.CHUMMAR, AGED 43 YEARS,
RESIDING AT PARKVU APARTMENT,
CONVENT JUNCTION, ERNAKULAM,

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

RESPONDENT(S):

1. THE THRISSUR CORPORATION,
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE,
THRISSUR- 680 001.
2. THE ASSISTANT ENGINEER,
THRISSUR CORPORATION,
ZONAL OFFICE, VILVATTAM,
THRISSUR- 680 001.

BY ADV. SRI.K.P.VIJAYAN
BY ADV. SRI.V.N.HARIDAS
BY SRI.K.P.VIJAYAN,SC,THRISSUR CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C) NO. 29426/2015.

APPENDIX

PETITIONERS' EXTS:

EXT. P1 : TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICE, PERINGAVU TO THE 1ST PETITIONER DATED 9.7.2015.

EXT. P2 : TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICE, PERINGAVU TO THE 2ND PETITIONER DATED 9.7.2015.

EXT. P3 : TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT DATED 11.8.2015.

EXT. P4 : TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT TO THE PETITIONERS DATED 17.8.2015.

EXT. P5 : TRUE COPY OF THE JUDGMENT IN W.P.(C) NO. 13442/2014 ON THE FILE OF THIS HONOURABLE COURT DATED 05.08.2014.

P. BHAVADASAN, J.

W.P.(C). No. 29426 of 2015

Dated this the 29th day of September, 2015.

JUDGMENT

Under challenge is Ext.P4 order whereby the first respondent has rejected an application filed by the petitioners for putting up a structure in 13 cents of land comprised in R.S. Nos. Y17-05/33 and Y17-05/32 of Peringavu Village. The reason for rejecting the application is that the structure exceeds 300 square meters and also that the land is shown as paddy land .

2. The petitioners point out that merely because the property is shown as paddy land is not a ground to reject the application when on inspection it is found that it is no longer a paddy land and had been reclaimed long ago. In support of the above submission, learned counsel relied on the decision in W.P.(C) 13442 of 2014 where an identical question was considered by this Court. This Court took the

view that merely because the record show that the property is a paddy land by itself is not a ground to reject permit. The local authority is bound to conduct local inspection and satisfy itself as to the nature of the property and thereafter reach a conclusion.

There is no reason as to why the above principle should not be adopted in the present case. For the above reason, Ext.P4 order stands quashed and the first respondent is directed to conduct an inspection of the property to ascertain the nature of the property and proceed in accordance with law with respect to the application filed by the petitioner.

The writ petition is disposed of as above.

sb.

P. BHAVADASAN,
JUDGE