

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 30182 of 2015 (W)

PETITIONER:

**ANISH GEORGE MATHEW, AGED 40 YEARS
S/O.MATHEW PAUL KURIAS,
KURIAS HOUSE, KATTAMPAK P O
KOTTAYAM DISTRICT - 686612**

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENTS:

- 1. THE MOONILAVU GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY
MOONILAVU GRAMA PANCHAYATH OFFICE, MOONILAVU P O
KOTTAYAM DISTRICT, 686586**
- 2. THE SECRETARY
MOONILAVU GRAMA PANCHAYATH
MOONILAVU GRAMA PANCHAYATH OFFICE,
MOONILAVU P O
KOTTAYAM DISTRICT, 686586**
- 3. THE DEPUTY COLLECTOR(LR)
CIVIL STATION,
COLLECTORATE P O,
KOTTAYAM 686002**

**R1 & R2 BY ADVS. SRI.K.G.ANIL BABU, SC.
SRI. CYRIAC KURIAN, SC.
R3 BY SR. GOVERNMENT PLEADER SMT. ANITH RAVINDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 30182 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- A TRUE COPY OF THE TITLE DEED DTD 27/5/2015 EXECUTED BETWEEN THE PETITIONER AND HIS VENDOR**
- P2:- A TRUE COPY OF THE APPLICATION DTD 28/7/2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT FOR BUILDING PERMIT**
- P3:- A TRUE COPY OF THE PROPOSED CONSTRUCTION INCLUDING THE LOCATION PLAN WITHOUT DATE FILED ALONG WITH EXT P2**
- P4:- A TRUE COPY OF THE LETTER DTD 18/8/2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**
- P5:- A TRUE COPY OF THE REPRESENTATION DTD 22/9/2015 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 30182 OF 2015

Dated this the 18th day of November, 2015

JUDGMENT

The mere allegation that the petitioner has encroached into a pond is no reason to delay the consideration of his application for building permit. I direct the second respondent to pass orders on Ext. P2 application with notice to the petitioner within a period of one month.

2. The grant of permit does not disable the respondents from proceeding against the petitioner in case the encroachment is found to be true. Whether there has been such an encroachment or not has to be decided on the basis of the inputs from the Minor Irrigation Department, Block Panchayat and the District Panchayat.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS