

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 31012 of 2014 (B)

PETITIONER(S) :

MUJEEB RAHMAN AGED 36 YEARS
S/O.CHERIYA MUHAMMED, MALIAMPADATHU HOSUE
PANG CHENDI P.O., MALAPPURAM DISTRICT-679 338.

BY ADVS.SRI.K.ABDUL JAWAD
SRI.ABDUL MAJEED.N
SMT.VINEETHA V.KUMAR

RESPONDENT(S) :

1. THE KURUVA GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, PADAPPARAMBU
VATTALLOOR P.O., MALAPPURAM DISTRICT-676 507.
2. THE SECRETARY
THE KURUVA GRAMA PANCHAYATH, PADAPPARAMBU
VATTALLOOR P.O., MALAPPURAM DISTRICT-676 507.

R1-2 BY ADV. SRI.U.K.DEVIDAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 31012 of 2014 (B)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1. TRUE COPY OF THE SALE DEED EXECUTED IN FAVOUR OF THE
PETITIONER BY HIS PREDECESSOR-IN-INTEREST ON 16/09/2002.
EXT.P2. TRUE COPY OF THE RELEVANT PAGES OF DATA BANK PREPARED BY THE
KURUVA VILLAGE.
EXT.3. TRUE COPY OF THE RECEIPT DATED 15/12/2012 EVIDENCING THE
SUBMISSION OF THE APPLICATION BY THE PETITIONER
EXT.P4. TRUE COPY OF THE COMMUNICATION DATED 21/5/2014.
EXT.P5. TRUE PHOTOGRAPHS SHOWING THE FRONT AND REAR VIEW OF THE
PETITIONER'S LAND AND PARTLY CONSTRUCTED BUILDING.

RESPONDENT(S) ' EXHIBITS

-----NIL

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

W.P(C)NO. 31012 OF 2014

Dated this the 13th day of November, 2015

JUDGMENT

The property has been described as garden land in Ext.P1 sale deed. Ext.P2 data bank shows that a major portion of the property in survey No.438/1 of Kuruva Village is converted land. Ext.P5 photograph shows that the property in the neighbourhood is developed and buildings constructed.

2. This Court has time and again held that the ground reality should be assessed in the circumstances. The mere fact that the property was described as wet land in the revenue records is of no consequence. I quash Ext.P4 order declining building permit to the petitioner as sought. The second respondent shall reconsider the application with notice to the petitioner and pass orders thereon within a period of one month.

The writ petition is disposed of as above.

V.CHITAMBARESH, JUDGE

sks

