

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 31462 of 2014 (G)

PETITIONERS:

1. JOHNY JOHN,
KATTILAMPARAMBIL HOUSE, VELLASERY,
KADUTHURUTHY P.O. KOTTAYAM DISTRICT - . 686 604.
2. ROSILY JOHN, W/O.JOHNY JOHN,
KATTILAMPARAMBIL HOUSE, VELLASERY,
KADUTHURUTHY P.O. KOTTAYAM DIST. 686 604.

BY ADVS.SRI.SAJU JOHN
SRI.JELSON J.EDAMPADAM

RESPONDENTS:

1. KADUTHURUTHY GRAMA PANCHAYAT,
KADUTHURUTHY P.O, KOTTAYAM DISTRICT,
REPRESENTED BY ITS SECRETARY, PIN. 686 604
2. THE SECRETARY
KADUTHURUTHY GRAMA PANCHAYAT, KADUTHURUTHY P.O
KOTTAYAM DISTRICT, PIN. 686 604

R1-R2 BY ADV. SRI.RAJESH THOMAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P1 - TRUE COPY OF THE SALE DEED DATED 17-10-2007.

EXT.P2 - TRUE COPY OF THE RECEIPT DATED 26-6-2014 ISSUED FROM THE
VILLAGE OFFICE, KADUTHURUTHY.

EXT.P3 - TRUE COPY OF THE REPORT DATED 25-2-2014 ISSUED BY THE
CONVENER OF THE LOCAL LEVEL MONITORING COMMITTEE.

EXT.P4 - TRUE COPY OF THE LETTER NO.A8-8601/14 DATED 27-10-2014 OF THE
2ND RESPONDENT.

EXT.P5 - TRUE COPY OF THE EXTRACT OF THE DATA BANK IN RESPECT OF THE
PROPERTY CERTIFIED BY THE VILLAGE OFFICER, KADUTHURUTHY AND
AGRICULTURAL OFFICER KADUTHURUTHY.

EXT.P6 - TRUE COPY OF THE RELEVANT EXTRACT OF THE FAIR VALUE REGISTER

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 31462 of 2014 (G)

Dated this the 21st day of January, 2015.

JUDGMENT

In the light of the ratio laid down in Praveen v. Land Revenue Commissioner (2010 (2) KLT 617), this Court disposes of the writ petition on the same lines applying the ratio laid down by the learned Division Bench in the said decision, thereby setting aside Ext.P4.

Consequently, the second 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.

