

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 31886 of 2014 (I)  
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PETITIONER:

U.KRISHNAPRAKASH, S/O UNNI, AGED 38 YEARS,  
KRISHNA NIVAS, MOOTHANTHARA,  
KOPPAM, PALAKKAD.

BY ADVS.SRI.BINOY VASUDEVAN  
SMT.P.G.BABITHA

RESPONDENTS:

1. THE PALAKKAD MUNICIPALITY  
REP. BY ITS SECRETARY, MUNICIPAL OFFICE,  
PALAKKAD-678 101.
2. THE SECRETARY,  
PALAKKAD MUNICIPALITY, PALAKKAD-678 101.
3. THE DISTRICT TOWN PLANNER,  
OFFICE OF THE DISTRICT TOWN PLANNER,  
PALAKKAD-678 101.

R1 & R2 BY ADVS. SRI.T.C.SURESH MENON  
SRI.P.S.APPU  
R3 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX IN WP(C).No. 31886 of 2014 (I)**

PETITIONER'S EXHIBITS:

EXT.P1 - TRUE COPY OF THE DOCUMENT BEARING NO. 6609/05 OF S.R.O PALAKKAD.

EXT.P2 -TRUE COPY OF LATEST LAND TAX RECEIPT.

P3 - TRUE COPY OF THE POSSESSION CERTIFICATE.

EXT.P4 - TRUE COPY FO THE PROCEEDINGS OF THE 2ND RESPONDENT DT. 29.9.14.

EXT.P5 - TRUE COPY OF THE JUDGMENT IN WPC NO. 16463/2010.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

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W.P.(C)No.31886 of 2014 I  
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Dated this the 7<sup>th</sup> day of January, 2015

### **JUDGMENT**

In the light of the ratio laid down in **New India Assurance Co. Ltd. v. Ayisha** (2011 (3) KLT 319), the present writ petition is also disposed of on the same lines applying the ratio laid down by the learned Division Bench in the said decision, thereby quashing Exhibit P4.

Consequently, the second respondent is directed to consider the application of the petitioner for building permission afresh, if necessary, by referring the matter to the third respondent, and thereafter pass appropriate orders thereon, as expeditiously as possible, at any rate within a period of one month from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

tkv