

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 33548 of 2014 (P)

PETITIONER(S):

**P.P.VEERAN, AGED 40 YEARS,
S/O.MOHAMMED HAJI, RESIDING AT VALLATHODI HOUSE,
KUNIYIL, KIZHUPARAMBA P.O., AREAKODE VIA,
MALAPPURAM - 676 639.**

**BY ADVS.SRI.KOSHY GEORGE
SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN**

RESPONDENT(S):

- 1. KEEZHUPARAMBU GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KEEZHUPARAMBU POST,
MALAPPURAM DISTRICT- 673 639.**
- 2. THE SECRETARY,
KEEZHUPARAMBU GRAMA PANCHAYATH, KEEZHUPARAMBU POST,
MALAPPURAM DISTRICT- 673 639.**

**BY ADVS. SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 33548 of 2014 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE PATITION DEED NO.2177/1987 OF AREACODE SUB
REGISTRY.**

**EXHIBIT P2: TRUE COPY OF THE BUILDING TAX RECEIPT ISSUED BY THE
PANCHAYATH.**

**EXHIBIT P3: TRUE COPY OF THE PROPERTY TAX RECEIPT ISSUED BY
KEEZHUPARAMBU VILLAGE OFFICE TO THE PETITIONER.**

**EXHIBIT P4: TRUE COPY OF THE ORDER OF THE RESPONDENT PANCHAYATH
DATED 22.11.2014.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 33548 of 2014

Dated this the 28th day of January, 2015

JUDGMENT

In the light of the ratio laid down in **Praveen v. Land Revenue Commissioner** [2010 (2) KLT 617], 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.

2. It is, indeed, evident from the counter affidavit filed by the respondent Panchayat that earlier there existed a row of shops in the same property and that the Grama Panchayat used to collect tax from that property. Under those circumstances, it is hard to visualize the justification behind the contention of the Grama Panchayat that the property is still to be treated as Nilam merely based on entries in revenue records.

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 District Town Planner, and thereafter pass appropriate orders

thereon, as expeditiously as possible, at any rate within a period of six weeks from the date of receipt of a copy of this judgment.

DAMA SESHADRI NAIDU
JUDGE

DMR/–