

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 33995 of 2014 (Y)

PETITIONER:

HARIDAS, AGED 27 YEARS,
S/O.LATE VELAYUDHAN, ROOM NO.3, STAR BUILDING,
JAINIMEDU, VADAKKANTHARA P.O., PALAKKAD TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS/RESPONDENTS:-

1. PALAKKAD MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE,
PALAKKAD - 678 001.
2. THE DISTRICT TOWN PLANNING OFFICER,
PALAKKAD, CIVIL STATION, PALAKKAD - 678 001.
3. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
THIRUVANANTHAPURAM, PIN - 695 001.

R1 BY ADV. SRI.T.C.SURESH MENON, SC

R1 BY ADV. SRI.P.S.APPU

R BY SMT. SANJEETHA K.A., GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1. A TRUE COPY OF THE SALE DEED NUMBER 6641/2014 OF THE SRO PALAKKAD.

EXHIBIT P2. A TRUE COPY OF THE ORDER DATED MAY 30, 2005 ISSUED BY THE REVENUE DIVISIONAL OFFICER, PALAKKAD.

EXHIBIT P3. A TRUE COPY OF THE CERTIFICATE DATED DECEMBER 3, 2014 CERTIFIED BY THE VILLAGE OFFICER, PALAKKAD-III.

EXHIBIT P4. A TRUE COPY OF DECISION NUMBER 12 DATED 31 JANUARY 2014 OF THE ZONING REGULATION COMMITTEE UNDER THE FIRST RESPONDENT.

EXHIBIT P5. A TRUE COPY OF THE NOTICE DATED NOVEMBER 25, 2014 ISSUED BY THE FIRST RESPONDENT.

EXHIBIT P6. A TRUE COPY OF THE JUDGMENT REPORTED IN 2011(3)KHC 162 (DB).

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 33995 of 2014 Y

Dated this the 8th day of January, 2015.

JUDGMENT

In the light of the ratio laid down by a learned Division Bench of this Court in Ext.P6, this Court disposes of the writ petition on the same lines applying the ratio contained therein, thereby setting aside Ext.P5.

Consequently, respondents 1 and 2 are directed to consider the petitioner's application 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 one month from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

W.P.(Crl.)/W.A. No.

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