

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

WP(C).No. 35257 of 2014 (F)

PETITIONER:

MUHAMMED BASHEER K., S/O. MUHAMMED,
KIZHISSERRIL HOUSE, PERINTHALMANNA P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT:

THE PERINTHALMANNA MUNICIPALITY
REP. BY ITS SECRETARY, PERINTHALMANNA,
MALAPPURAM DISTRICT-676 322.

BY SRI.P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 35257 of 2014 (F)

PETITIONER'S EXHIBITS:

EXT. P1 : TRUE COPY OF THE ASSIGNMENT DEED NO.7342/2011 OF SRO, PERINTHALMANNA.

EXT. P2 : TRUE COPY OF THE BASIC TAX RECEIPT DATED 18.10.2014.

EXT. P3 : TRUE COPY OF THE POSSESSION CERTIFICATE DATED 18.10.2014.

EXT. P4 : TRUE COPY OF THE RELEVANT PAGE OF THE LAND ACQUISITION AWARD NO.6/2010 DATED 10.12.2010.

EXT. P5 : TRUE COPY OF THE ORDER DATED 10.12.2013 PASSED BY THE RESPONDENT.

EXT. P6 : TRUE COPY OF THE PHOTOGRAPHS OF THE PROPERTY.

EXT. P7 : TRUE COPY OF THE ORDER PASSED BY THE REVENUE DIVISIONAL OFFICER, PERINTHALMANNA, DATED 12.2.2004.

EXT. P8 : TRUE COPY OF THE ORDER PASSED BY THE REVENUE DIVISIONAL OFFICER, PERINTHALMANNA DATED 12.2.2004.

EXT. P9 : TRUE COPY OF THE ORDER PASSED BY THE REVENUE DIVISIONAL OFFICER, PERINTHALMANNA, DATED 17.10.1995.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.35257 of 2014 F

Dated this the 27th day of January, 2015

JUDGMENT

In the light of the ratio laid down in **Mohammed Abdul Basheer v. State of Kerala** (2012 (3) KLT 86), the present writ petition is also disposed of on the same lines applying the ratio laid down by this Court in the said decision, thereby quashing Exhibit P5.

Consequently, the 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, 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