

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 35450 of 2014 (E)

PETITIONERS:

1. RADHAKRISHNAN NAIR,
"PRIYA", MOTAKKALLOR POST, ATHOLI VIA
KOZHIKODE DISTRICT - 673 315.
2. GANGADHARAN NAIR V.K.,
THEKKAYIL, KOLATHOOR POST, ATHOLI VIA
KOZHIKODE DISTRICT - 673 315.
3. MOHANDAS V.K
VELLATHOTTATHIL, MODAKKALLOOR POST, ATHOLI VIA
KOZHIKODE DISTRICT - 673 315.
4. SADANANDAN V.K
THEKKAYIL, KOLATHOOR POST, ATHOLI VIA,
KOZHIKODE DISTRICT - 673 315.
5. SATHYANATHAN,
"RAMYASREE", MOTAKKALLOOR POST, ATHOLI VIA,
KOZHIKODE DISTRICT - 673 315.
6. SATHEESAN T
ASWATHI, POST MOTAKKALLOOR, ATHOLI VIA,
KOZHIKODE DISTRICT - 673 315.

BY ADVS.SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V

RESPONDENTS:

1. THE DISTRICT COLLECTOR, KOZHIKODE DISTRICT,
COLLECTORATE, KOZHIKODE CIVIL STATION,
KOZHIKODE DISTRICT.
2. VILLAGE OFFICER
ATHOLI VILLAGE, POST ATHOLI
KOZHIKODE DISTRICT - 673 315.
3. THE SECRETARY
ATHOLI GRAMA PANJAYATH, POST VELOOR, ATHOLI VIA,
KOZHIKODE DISTRICT - 673 315.

R3 BY ADV. SRI.SANTHARAM.P., SC
R BY JUSTIN JACOB, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - TRUE COPY OF THE REGISTERED RELEASE DEED DT. 18.8.73, EXECUTED BY KARANAVAR OF THARAVAD IN THE NAME OF LATE NANI AMMA.

P2 - TRUE COPY OF THE DEATH CERTIFICATE OF THE NANI AMMA.

P3 - TRUE COPY OF THE REVENUE TAX RECEIPT ISSUED BY THE 2ND RESPONDENT IN THE NAME OF THE PETITIONERS.

P4 - TRUE COPY OF THE POSSESSION CERTIFICATE DT. 12.11.14 ISSUED BY THE 2ND RESPONDENT IN THE NAME OF THE PETITIONERS.

P5 - TRUE COPY OF THE PROCEEDINGS DT. 21.11.14 WITH ORDER NO. AS 7897/14 OF THE 3RD RESPONDENT.

P6 - TRUE COPY OF THE PHOTOGRAPH TAKEN FROM THE SCENE.

P6(a) - TRUE COPY OF THE PHOTOGRAPH TAKEN FROM THE SCENE.

P6(b) - TRUE COPY OF THE PHOTOGRAPH TAKEN FROM THE SCENE.

P6(c) - TRUE COPY OF THE PHOTOGRAPH TAKEN FROM THE SCENE.

P7 - TRUE COPY OF THE ACKNOWLEDGEMENT ISSUED BY THE 3RD RESPONDENT FOR RECEIPT OF APPLICATION FOR BUILDING PERMIT.

P8 - TRUE COPY OF THE POSSESSION CERTIFICATE DT. 24.11.14 ISSUED BY THE 2ND RESPONDENT.

P9 - TRUE COPY OF THE REJECTION ORDER OF THE 3RD RESPONDENT DT. 14.12.14.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 35450 of 2014 (E)

Dated this the 20th 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.P9.

Consequently, the third respondent is directed to consider the petitioners' 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.

