

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C) .No. 35915 of 2015 (L)

PETITIONER(S) :

1. MURALEEDHARAN NAIR, AGED 70 YEARS,
S/O.KUNJUNNI KAIMAL, ALACKAL HOUSE, (DEEPU NIVAS)
VALLICHIRA VILLAGE, PALAI, KOTTAYAM DISTRICT.

2. DEEPU M AGED 38 YEARS
S/O.MURALEEDHARAN NAIR
ALACKAL HOUSE (DEEPU NIVAS)VALLICHIRA VILLAGE, PALAI
KOTTAYAM DISTRICT.

BY ADVS.SRI.GEORGE SEBASTIAN
SRI.JOHNSON K.KURIEN

RESPONDENT(S) :

1. THE KAROOR GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY
PONAD KAROOR P.OVIA PALA, KOTTAYAM DISTRICT
PIN - 686 574.

2. THE SECRETARY
KAROOR GRAMA PANCHAYATH, PONAD KAROOR P.OVIA. PALA
KOTTAYAM DISTRICT, PIN -686 574.

R1 BY ADV. SRI.SUNIL CYRIAC, SC,KAROOR G.PANCHAYAT

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-
12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 35915 of 2015 (L)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P-1: A TRUE COPY OF THE BASIC TAX RECEIPT DATED 7.10.2015 ISSUED FROM THE VALLICHIRA VILLAGE OFFICE.

EXT.P-2: A TRUE COPY OF THE BASIC TAX RECEIPT DATED 23.9.2015 ISSUED FROM THE VALLICHIRA VILLAGE OFFICE.

EXT.P-3: A PHOTOGRAPH SHOWING THE NATURE AND LIE OF THE PROPERTY OF THE PETITIONERS.

EXT.P-4: A TRUE COPY OF THE RELEVANT PAGE OF THE DATA BANK REGISTER WITH RESPECT TO THE 1ST RESPONDENT GRAMA PANCHAYATH.

EXT.P-5: A TRUE COPY OF THE ORDER DATED 24.11.2015 BEARING NO.A4-3941/2015 OF THE 2ND RESPONDENT.

EXT.P-6: A TRUE COPY OF THE JUDGEMENT DATED 17.9.2015 IN WPC 27360/2015.

EXT.P-7: A TRUE COPY OF THE JUDGEMENT DATED 21.3.2013 IN WPC 865/2013

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

ANU SIVARAMAN, J.

W.P(C).No. 35915 of 2015

Dated this the 16th December, 2015

JUDGMENT

Exhibit P5 order declining building permit for construction of a residential-cum-shop building is under challenge in this writ petition. Exhibit P5 order was not preceded by any site inspection. It is the specific case of the petitioners that the property was reclaimed much prior to the Kerala Conservation of Paddy Land and Wet Land Act, 2008 and that the application for building permit is to be considered on merits.

Having heard learned counsel on both sides, I find that Exhibit P5 order is vitiated by total want of application of mind. Exhibit P5 order is set aside. The second respondent is directed to take up and reconsider the application submitted by the petitioners after conducting a site inspection and after notice and hearing the petitioners. This

shall be done within two months from the date of receipt of a copy of this judgment.

The writ petition is ordered accordingly.

**ANU SIVARAMAN
JUDGE**

vgs