

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C).No. 36295 of 2015 (J)

PETITIONER :

**SAJEEVAN, AGED 57 YEARS, S/O.KUMARAN,
MANADIYIL HOUSE, TATHAPPILLY KARA,
KOTTUVALLY VILLAGE, NORTH PARAVUR TALUK.**

BY ADV. SRI.P.K.SAJEEV

RESPONDENT(S):

- 1. KOTTUVALLY GRAMA PANCHAYATH,
VALLUVALLI, KOONAMMAVU.P.O.- 683 518,
REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY, KOTTUVALLY GRAMA PANCHAYATH,
VALLUVALLI, KOONAMMAVU.P.O.- 683 518.**
- 3. THE PANCHAYATH COMMITTEE,
KOTTUVALLY GRAMA PANCHAYATH, VALLUVALLI,
KOONAMMAVU.P.O.- 683 518, REP. BY ITS PRESIDENT.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE OWNERSHIP CERTIFICATE NO.C3/10373/2014 DATED 12/01/2015 ISSUED BY THE 1ST RESPONDENT.**
- P2 COPY OF THE TAX RECEIPTS DATED 09/12/2014 AND 18/08/2015 ISSUED FROM KOTTUVALLY VILLAGE OFFICE.**
- P3 COPY OF THE NOTICE NO.C3-8911/15 DATED 11/11/2015 ISSUED BY THE 2ND RESPONDENT**
- P4 COPY OF THE APPEAL MEMORANDUM ISSUED BY THE PETITIONER BEFORE THE 3RD RESPONDENT**
- P5 COPY OF THE STAY PETITION FILED BY THE PETITIONER.**
- P6 COPY OF THE RECEIPT DATED 21/11/2015 ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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K. HARILAL, J.

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W.P. (C) No.36295 of 2015

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Dated this the 1st day of December, 2015

J U D G M E N T

The petitioner is the owner of the building No. X/497-A of the 1st respondent, Panchayat. According to the petitioner, when he purchased the property on 14.02.2003, as per Document No. 766/03 of Paravur SRO there is only a ground floor existing and after he purchased the same, he constructed upper portion to the existing building in accordance with law. While so, the 2nd respondent issued a notice to the petitioner to demolish his building, on the ground that it is revealed on enquiry that the petitioner had made constructions in violation of Section 220(b) of the Panchayath Raj Act,1994,*(hereinafter referred to as 'the Act')*. Challenging Ext.P3 notice, the petitioner has filed Ext.P4 appeal, before the appellate authority under the Act,

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with a stay petition. But, those petitions have not been considered so far. This is the grievance ventilated in this Writ Petition.

2. Having regard to the fact that Ext.P4 appeal is pending consideration with Ext.P5 stay petition, the 3rd respondent, the appellate authority under the Act, is directed to consider and pass orders on Exts.P4 and P5, at any rate, within a period of one month from the date of receipt of a copy of this judgment, after affording an opportunity of being heard, to the petitioner. It is made clear that all further proceedings, pursuant to Ext.P3 shall be kept in abeyance, till the disposal of Exts.P4 and P5.

This Writ Petition is disposed of accordingly.

Sd/-
K. HARILAL,
JUDGE

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//True copy//

P.A. To Judge