

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 36771 of 2015 (V)

PETITIONER :

**BINU VARGHESE, AGED 36 YEARS,
S/O. K.C. VARGHESE, KODIYATTUKALAYIL,
NEAR RAILWAY STATION, THIRUVALLA - 689101**

**BY ADVS.SRI.N.K.THANKACHAN
SRI.S.KANNAN**

RESPONDENTS :

- 1. KAVIYOOR GRAMA PANCHAYAT,
OFFICE OF KAVIYOORGRAMA PANCHAYAT
KAVIYOOR, PATHANAMTHITTA DISTRICT-689582.**
- 2. THE SECRETARY, KAVIYOORGRAMA PANCHAYAT,
KAVIYOOR, PATHANAMTHITTA DISTRICT - 689582.**
- 3. ABRAHAM JOSEPH (SUDHI),
VAKKYAPALLATHU, KALLUNKAL P.O.,
THIRUVALLA, PATHANAMTHITTA DISTRICT- 689102.**

BY SRI.VARGHESE M.EASOW,SC,KAVIYOOR GRAMA PANCHAYATH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 36771 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE BUILDING PERMIT NO.C7-2869/12 DT 5/4/2013 ISSUED BY THE R3.
- P2: COPY OF THE APPLICATION FOR PERMIT FILED BY THE R3.
- P3: COPY OF DECISION DT 14/5/2014 TAKEN BY THE PANCHAYAT COMMITTEE.
- P4: COPY OF THE REPRESENTATION DT 2/11/2015 SUBMITTED BY THE PETITIONER BEFORE THE R2.
- P5: COPY OF THE RECEIPT DT 6/11/2015 ISSUED FROM THE OFFICE OF THE R1 PANCHAYAT.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

K.HARILAL, J.

W.P.(C) No.36771 of 2015

Dated this the 4th day of December, 2015.

JUDGMENT

According to the petitioner, this writ petition is filed against the inaction on the part of the respondents 1 and 2 on Ext.P4 representation submitted by the petitioner pointing out the illegal constructions made by the 3rd respondent encroaching upon Manimala River Puramboke. It is further averred that Ext.P1 Building Permit has been issued by the 2nd respondent to the 3rd respondent to construct a multi-storied building in the properties in Sy.Nos.662/12 and 666/13 of Kaviyoor Village, which are Government Puramboke lands that form part of Manimala River Puramboke. The 2nd respondent has issued the building permit to the 3rd respondent even without conducting site inspection.

So also, the application filed by the 3rd respondent is defective under the Kerala Panchayat Buildings Rules, 2011. Aggrieved by the inaction on the part of the 2nd respondent, the petitioner filed Ext.P4 representation under Rule 18 of the Kerala Panchayat Buildings Rules, 2011. The further grievance of the petitioner is that despite long lapse of time, no action has been taken on Ext.P4 so far.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the 2nd respondent.

3. The learned Standing Counsel, on instruction, submits that the 2nd respondent Panchayat has passed Ext.P3 resolution referring the matter to the 1st respondent for proper decision as regards the unlawful encroachment on the river Puramboke. However, having regard to the grievance involving public interest also, the 2nd respondent is directed to consider and pass orders on Ext.P4, at the earliest, 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 and the 3rd respondent.

This writ petition is disposed of accordingly.

K. HARILAL, JUDGE

okb.