

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 37095 of 2015 (J)

PETITIONER(S) :

**SMITHA, AGED 38 YEARS,
W/O.UDAYAKUMAR, ARUN BHAVAN, PALLIMURI,
PORUVAZHY, AMBALATHUMBHAGOM, KOLLAM.**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENT(S) :

- 1. THE GEOLOGIST,
GEOLOGY OFFICE, KOLLAM, PIN - 691 001.**
- 2. THE SECRETARY,
PORUVAZHY GRAMA PANCHAYATH, PORUVAZHY,
KOLLAM, PIN - 691 001.**

R1 BY GOVERNMENT PLEADER SMT.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 37095 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXT.P-1: COPY OF THE BUILDING PERMIT.

EXT.P-2: COPY OF THE APPLICATION BEFORE THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

K. HARILAL, J.

W.P. (C) No. 37095 of 2015-J

Dated this the 8th day of December, 2015

JUDGMENT

The petitioner is the absolute owner in possession of a property comprised in Sy.Nos.142/7-1, 142/7-2-2 and 142/7-2 which are lying contiguously in Poruvazhy Village. According to the petitioner, the said property was lying in a higher terrain, at different levels, than the neighbouring properties and hence the petitioner was not in a position to utilise the property to its maximum utility. Now, the petitioner is desirous of constructing a building in the said property and he filed Ext.P2 application seeking permission to develop the land and also another application for building permit. But the 2nd respondent has issued Ext.P1 permit only and Ext.P2 application has not been

considered so far. This is the grievance projected in this writ petition.

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. Even though, Ext.P1 building permit has been granted to the petitioner, the petitioner cannot proceed with the construction, unless permission to develop the land is obtained in accordance with the Kerala Panchayat Building Rules. Therefore, I find that Ext.P2 application be considered urgently.

4. Having regard to the above aspects, the 2nd respondent is directed to consider and pass orders on Ext.P2 application, at the earliest, at any rate, within a period of two weeks from the date of receipt of a copy of this judgment.

This writ petition is disposed of accordingly.

Sd/-

(K. HARILAL, JUDGE)

Nan/

//true copy//

P.S. to Judge