

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

WP(C).No. 37614 of 2015 (B)

PETITIONER :

**AMMAD, AGED 63 YEARS, S/O. POCKER,
ATTAKULATHIL HOUSE, ARIKKULAM POST,
KOZHIKODE DISTRICT.**

**BY ADVS.SRI.K.P.SUDHEER
SRI.ARUN MATHEW VADAKKAN**

RESPONDENT :

**ARIKKULAM GRAMA PANCHAYATH,
ARIKKULAM P.O., KOZHIKODE DISTRICT
PIN- 673305, REPRESENTED BY ITS SECRETARY.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS

- P1: COPY OF SALE DEED REGISTERED ASDOC. NO. 2432/2007 DT DT 22/11/2007 OF MEPPAYOOR SRO.**
- P2: COPY OF ORDER NO. A1.6323/12 DT 18/2/20013 ISSUED BY THE RESPONDENT.**
- P3: COPY OF THE DOCKET ORDER DT 13/6/2015 IN PLP P286/2015 OF THE KOYILANDY LEGAL SERVICE COMMITTEE.**
- P4: COPY OF RELEVANT EXTRACT OF DATA BANK CONCERNING THE PROPERTY OF THE PETITIONER.**
- P5: PHOTOGRAPH OF THE PROPERTY OF THE PETITIONER.**
- P6: COPY OF JUDGMENT DT 14/1/2013 IN WPC NO. 24235/2012 PASSED BY THIS HONOURABLE COURT.**
- P7: COPY OF APPLICATION DT 17/11/2015 SUBMITTED BY THE PETITIONER TO THE RESPONDENT.**
- P7(A): POSTAL RECEIPT DT 18/11/2015 EVIDENCING DISPATCH OF EXT P7 APPLICATION.**

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.37614 of 2015

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Dated this the 11th day of December, 2015

J U D G M E N T

The petitioner is the owner in possession of landed property, having an extent of 69 cents in Re-Survey No.20/4 and 20/6 of Arikkulam Village in Koyilandy Taluk, by virtue of Ext.P1. He submitted an application for building permit and by Ext.P2 order, the said application was rejected for the reason that in the revenue records, the land was described as "Nanja" and the respondent also relied on Circular No.4545/RA1/11/LSGD dated 22.01.2011. According to the petitioner, the petitioner's property is not included in the Data Bank, which is evidenced by Ext.P4 and Ext.P5 and that would show the exact lie of the land on the

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ground. Ext.P2 is against the dictum laid down by this Court in Ext.P6 judgment. Aggrieved by the denial of permit by Ext.P2, the petitioner has preferred Ext.P7 application, under Rule 13(1) of the Kerala Panchayat Building Rules, 2011. The grievance of the petitioner is that Ext.P7 has not been considered so far, in spite of long lapse of time.

2. Heard the learned counsel for the petitioner.

3. Learned counsel for the petitioner confines his arguments to the issuance of a direction to the respondent Panchayat to consider Ext.P7 application, in the light of Ext.P6 judgment. Having regard to the limited prayer sought for, the respondent Panchayat is directed to consider and pass orders on Ext.P7 application, in the light of Ext.P6 judgment, at the earliest, at any rate, within a period of one month from

-: 3 :-

the date of receipt of the copy of this judgment, after affording an opportunity of being heard, to the petitioner also.

This writ petition is disposed of accordingly.

Sd/-

**K. HARILAL,
JUDGE**

DST

//True copy//

P.A. To Judge