

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. 37642 of 2015 (E)

PETITIONER(S):

**V.P. VIJAYAN, AGED 56 YEARS, S/O.PANGU,
VALIYAPARAMBIL HOUSE, KANJIRAKKODE VILLAGE,
THALAPPILLY TALUK, THRISSUR.**

BY ADV. SRI.P.K.SAJEEV.

RESPONDENT(S):

- 1. ERUMAPETTY GRAMA PANCHAYATH,
MANGAD, KOTTAPPURAM P.O., THRISSUR-680 584,
REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY,
ERUMAPETTY GRAMA PANCHAYAT,
MANGAD, KOTTAPPURAM P.O., THRISSUR-680 584.**
- 3. RAGHAVA MENON, S/O. KUNJIKKAVAMMA,
MADATHIL PADATTIL HOUSE,
KANJIRAKKODE VILLAGE & P.O.,
THALAPPILLY TALUK-680 590.**

R1 & R2 BY ADV. SRI.SHOBY K.FRANCIS

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE COMPLAINT NO.NIL DATED 27/02/2013 GIVEN BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXT.P2 COPY OF THE RECEIPT DATED 28/02/2013 ISSUED BY THE 1ST RESPONDENT.
- EXT.P3 COPY OF THE PETITION NO.NIL DATED 27/02/2013 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P4 COPY OF THE RECEIPT DATED 28/02/2013 ISSUED BY THE 1ST RESPONDENT.
- EXT.P5 COPY OF THE PETITION DATED 15/04/2013 GIVEN BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXT.P6 COPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT.
- EXT.P7 COPY OF THE INFORMATION DATED 23/05/2013 SUPPLIED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXT.P8 COPY OF THE WP(C).NO. 5853/2013 WITHOUT EXHIBITS.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K.HARILAL, J.

W.P.(C) No.37642 of 2015

Dated this the 11th day of December, 2015.

JUDGMENT

Standing Counsel takes notice for respondents 1 and 2.

2. The petitioner has filed a complaint before the 2nd respondent against the 3rd respondent alleging, inter alia, that under the guise of the order passed by the Revenue Divisional Officer, Thrissur, permitting the 3rd respondent to convert 25 cents of paddy land, he reclaimed the entire 74 cents and thereafter obtained a building permit from the respondents 1 and 2 and he sought for revoking the permit No.KBR706/Pt620/10-11 dated 01.01.2011. The said complaint is produced and marked as Ext.Pl. On receipt of Ext.Pl the 2nd respondent by order dated 5.3.2013 directed the 3rd respondent to stop the construction activities until further orders. But, in

spite of the said order, the 3rd respondent continued the construction and thereafter the petitioner again filed Ext.P5 petition before the 2nd respondent for a direction to the 3rd respondent to stop the construction work. Since no action had been taken by the respondents 1 and 2 in the matter brought to the notice of them, the petitioner enquired about the reason by invoking the provisions under the Right to Information Act and the 2nd respondent replied that no action has been taken against the 3rd respondent due to the pendency of W.P(C) No.5853/2013 before this Court. According to the petitioner, the said writ petition has nothing to do with Ext.P1 complaint filed by the petitioner. Thus, the petitioner is aggrieved by the inaction on the part of the respondents 1 and 2, seeking implementation of the stop memo as well as revocation of permit issued by the 2nd respondent.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Panchayat.

4. It is the case of the petitioner that the respondents 1 and 2 are bound to see that the stop memo issued against the 3rd respondent is implemented without fail. They are not taking any action against the 3rd respondent on the reason that W.P.(C) No.5853/2013 is pending before this court.

5. The learned counsel for the petitioner submits that W.P.(C) No.5853/2013 is a writ petition filed by the petitioner seeking implementation of the injunction order passed by the Revenue Divisional Officer against the 3rd respondent and the copy of the said writ petition is produced as Ext.P8.

6. Having regard to the pleadings in the writ petition and the reliefs sought for, it is made clear that the pendency of this writ petition will not stand in the way of considering Ext.P1 application.

7. In the above view of the matter, the 2nd respondent is directed to consider and pass orders on Ext.P1 application filed by the petitioner, 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.

Sd/-
K. HARILAL, JUDGE

okb.