IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

THURSDAY, THE 23RD DAY OF MAY 2024 / 2ND JYAISHTA, 1946

WP(C) NO. 21922 OF 2023

PETITIONER:

P.MUHAMMED HAJI, AGED 70 YEARS,
S/O. ABU, SEENATH, VELLAMUNDA, KATTAYADU.P.O.,
WAYANAD, PIN – 670731.

BY ADVS.M/S.M.SASINDRAN & P.K.SUBHASH

RESPONDENTS:

1 **VELLAMUNDA GRAMA PANCHAYAT,**
REPRESENTED BY ITS SECRETARY, KATTAYADU.P.O.,
VELLAMUNDA,WAYANAD DISTRICT, PIN – 670731.

2 **THE SECRETARY,**
VELLAMUNDA GRAMA PANCHAYATH,KATTAYADU.P.O.,
VELLAMUNDA,WAYANAD DISTRICT, PIN – 670731.

BY SRI. M.A.ASIF, SC, VELLAMUNDA GRAMA PANCHAYAT
ADV.SRI.K.S.ARUN KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

MOHAMMED NIAS C. P. , J.

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W. P. (C) No. 21922 of 2023

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Dated this the 23rd day of May, 2024

J U D G M E N T

The petitioner challenges Ext.P-1 order issued by the respondents directing him to remove the unauthorised showcases/structures put up in the corridor of the shopping complex.

2. The counter affidavit filed by the Panchayat shows that the petitioner was served with Ext.P-1 on 21.6.2023 directing him to demolish the unauthorised construction within 7 days. The petitioner had submitted a reply on 27.6.2023 and after the Panchayat considered the objections on 1.7.2023, finding the reply to be unsatisfactory, the petitioner was again served with a notice on 1.7.2023 directing demolition of all the unauthorised structures put up without the prior permission of the Panchayat on or before 3.7.2023. The Panchayat submits that the petitioner refused to receive the said notice after reading its contents. Thereafter, on 5.7.2023, again another notice was served

directing the demolition of the unauthorised constructions.

3. The Writ Petition was filed on 4.7.2023 and an interim order was passed on the ground that the petitioner was not heard before issuing Ext.P-1. The said interim order is still in force. Given the contention of the Panchayat in their statement that, final orders were already passed which the petitioner refused to accept, there will be a direction to the respondents to serve a copy of the final order on the petitioner, either personally or through registered post, if not already done, within ten days from today. The interim order passed by this Court will continue for a further period of three weeks from today to enable the petitioner to work out his remedies if so advised.

The Writ Petition is disposed of as above.

Sd/-

MOHAMMED NIAS C. P. ,

JUDGE

MMG

APPENDIX OF WP(C).NO.21922/2023

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE COMMUNICATION NO. 400998/BAUV01/GPO/2023/5188(1) DATED 21.06.2023 ISSUED BY THE RESPONDENTS PANCHAYATH.**
EXHIBIT P2	**TRUE COPY OF THE REPLY TO EXHIBIT P1 COMMUNICATION ISSUED BY THE RESPONDENTS PANCHAYATH DATED 27.6.2023**