



2025:KER:21645

WP(C) NO. 5772 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 13TH DAY OF MARCH 2025 / 22ND PHALGUNA, 1946

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PETITIONERS:

- 1 NIJIL V.J.,
AGED 42 YEARS, S/O JOSH V.M,
VATTEKKATTU HOUSE, PULLAZHY P.O,
THRISSUR, PIN - 680012
- 2 AMBILI CHACKOCHAN,
AGED 42 YEARS, W/O NIJIL V.M.,
VATTEKKATTU HOUSE, PULLAZHY P.O,
THRISSUR, PIN - 680012

BY ADVS.
A.R.NIMOD
M.A.AUGUSTINE

RESPONDENT:

KAIPARAMBU GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, KAIPARAMBU,
MUNDOOR P.O., THRISSUR, PIN - 680546



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BY ADV GANGESH K B, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13.03.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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JUDGMENT

The petitioners are in ownership and possession of 10.4 Cents land in Re Sy.No. 50/9 of Anjoor Village, Thrissur Taluk. The petitioners purchased the same as per sale deed dated 20.09.2024. The grievance of the petitioners is that, the application submitted by the petitioners for building permit for construction of a residential building as evidenced by Ext.P2 was not considered by the respondent on the reason that, the property wherein the petitioners proposed to construct the same was included among the properties which required development permit/layout approval. Ext P3 is the notice issued in this regard by the respondent. This writ petition is submitted by the petitioners in such circumstances, to quash Ext P3 and seeking a direction to the respondent to consider the application for building permit.

2. I have heard Sri.A.R. Nimod, learned counsel for the petitioners and Sri K.B.Gangesh, the learned Standing Counsel.

3. The only question that arises for consideration is whether



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the requirement of lay out approval/development permit can be a reason to deny building permit to the petitioners. The specific contention raised by the learned counsel for the petitioners is that the issue raised in this regard is covered in favour of the petitioners as per the decision rendered by this Court in **Nafeesa and Another v. Chavakkad Municipality and Others [2018 (3) KHC 473]** and **Panjal Grama Panchayath and another v. Aneesh P. [2022 (2) KHC 775]**.

4. In the above said decisions it has been held that when the owner of a small plot, who does not have any intention to subdivide the property further, cannot be insisted for a development permit/layout approval. Going through the materials placed on record, I find that the issue raised in this case is covered by the decisions rendered above. Evidently the only intention of the petitioner is to construct a residential building in the property having an extent of 10.4 Cents. They do not have any intention to subdivide the property.

In such circumstances, this writ petition is disposed of quashing



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Ext.P3 with a direction to the respondent to consider and pass orders on the application submitted by the petitioners for building permit without insisting for a development permit/layout approval. However, while considering the said application, the respondent shall ensure that, the application submitted by the petitioners is otherwise in order and the property A decision in this regard shall be taken within a period of one month from the date of receipt of a copy of this judgment.

**Sd/ -
ZIYAD RAHMAN A.A.
JUDGE**

SCS



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APPENDIX OF WP(C) 5772/2025

PETITIONER EXHIBITS

- | | |
|-------------------|--|
| Exhibit P1 | TRUE COPY OF THE TAX RECIEPT DATED
29.10.2024 |
| Exhibit P2 | TRUE COPY OF THE RECEIPT OF BUILDING
PERMIT ALONG WITH ACKNOWLEDGEMENT WITH
FILE NUMBER 400696/BPRL01/GPO/2025/413
DATED 15.01.2025 |
| Exhibit P3 | TRUE COPY OF THE NOTICE NO.
400696/BPRL01/GPO/2025/413/(1) DATED
06.02.2025 |
| Exhibit P4 | TRUE COPY OF THE ORDER IN W.P.(C)
43150/2024 DATED 20.12.2024 |