IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

MONDAY, THE 17TH DAY OF MARCH 2025 / 26TH PHALGUNA, 1946

WP(C) NO. 7447 OF 2025

PETITIONER/S:

SUBIN S.,
AGED 29 YEARS
S/O. SUNDARAN, MUTHIYARKODE HOUSE, KANIYARKODE POST, THIRUVILWAMALA, THALAPPILLY TALUK, THRISSUR DISTRICT, PIN - 680594

BY ADVS.
R.SREEHARI
HAMZA A.V.
APARNA M.P.
CIBY PAUL

RESPONDENT/S:

1. **THIRUVILWAMALA GRAMA PANCHAYATH**
   THIRUVILWAMALA GRAMA PANCHAYATH OFFICE, THIRUVILWAMALA POST, THALAPPILLY TALUK, THRISSUR DISTRICT, REPRESENTED BY ITS SECRETARY, PIN - 680588
2. **THE SECRETARY,**
   THIRUVILWAMALA GRAMA PANCHAYATH, THIRUVILWAMALA GRAMA PANCHAYATH OFFICE, THIRUVILWAMALA POST, THALAPPILLY TALUK, THRISSUR DISTRICT, PIN - 680588

OTHER PRESENT:

ADV R RAJPRADEP-SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

The petitioner is in possession on 2.79 Ares of property comprised in Old Survey No. 775/1-6-1 of Kaniyarcode Village, Thalappilly Taluk in Thrissur District. The grievance of the petitioner is that the application submitted by the petitioner for regularisation of the residential building constructed by the petitioner as evidenced by Ext.P3, has not been considered by the 2nd respondent on the reason that, the property wherein the petitioner proposed to construct the same was included among the properties which required development permit/lay out approval. This writ petition is submitted by the petitioner in such circumstances, seeking a direction to the 2nd respondent to consider the application for building permit without insisting for the same.

2. I have heard the learned counsel for the petitioner, learned standing counsel for the Grama Panchayath and the learned Government Pleader.

3. The only question that arises for consideration is whether the requirement of development permit/layout

approval can be a reason to deny building permit to the petitioner. The specific contention raised by the learned counsel for the petitioner is that the issue raised in this regard is covered in favour of the petitioner as per the decision rendered by this Court in **Nafeesa and Another v. Chavakkad Municipality and Others [2018 (3) KHC 473] 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/layoput 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 2.79 Ares. He does not have any intention to subdivide the property.

In such circumstances, this writ petition is disposed of directing the 2nd respondent to consider and pass orders on the application submitted by the petitioner for building

permit without insisting for a development permit and lay out Approval. However, while considering the said application, the 2nd respondent shall ensure that, the application submitted by the petitioner is otherwise in order. 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

SM/28.03

APPENDIX OF WP(C) 7447/2025

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE LAND TAX RECEIPT DATED 13/09/2024 ISSUED FROM THE KANIYARCODE VILLAGE OFFICE IN FAVOUR OF THE PETITIONER, EVIDENCING THE PAYMENT OF LAND TAX FOR THE PERIOD 2024 -2025**
Exhibit P2	**TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE VILLAGE OFFICER, KANIYARCODE VILLAGE OFFICE IN FAVOUR OF THE PETITIONER WITH NO.88381917 DATED 17/09/2024**
Exhibit P3	**TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT DATED 25/09/2024 ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT TO THE PETITIONER**
Exhibit P4	**TRUE COPY OF THE NOTICE WITH NO.400687/BPRL01/GPO/2024/5974/(1) DATED 30/12/2024 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**
Exhibit P5	**TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA REPORTED IN 2018 (3) KLT 1 [NAFEESA -VS- CHAVAKKAD MUNICIPALITY]**
Exhibit P6	**TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA REPORTED IN 2022 (2) KLT 653 [PANJAL GRAMA PANCHAYATH -VS- ANEESH]**
Exhibit P7	**TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA DATED 07/08/2024 PASSED IN W.P.(C) NO. 27324/2024**

RESPONDENTS' EXHIBITS:NIL

TRUE COPY

P.A.TO JUDGE