

**Devan Vs. Assistant Engineer, Muncipal Office**

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**SooperKanoon Citation :** [sooperkanoon.com/1011382](http://sooperkanoon.com/1011382)

**Court :** Kerala

**Decided On :** Jan-01-2013

**Judge :** Honourable Mr.Justice P.R.Ramachandra Menon

**Appellant :** Devan

**Respondent :** Assistant Engineer, Muncipal Office

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON TUESDAY, THE 1ST DAY OF JANUARY 2013 11TH POUSHA 193 WP(C).No. 27218 of 2012 (B) ----- PETITIONER(S)/PETITIONER: ----- DEVAN, AGED 4 YEARS, S/O.PONNAN, 03/155, LAKSHMI NARAYANAPURAM, KALPATHY, PALAKKAD DISTRICT, PIN-678005 BY ADVS.SRI.G.HARIHARAN SRI.PRAVEEN.H. RESPONDENT(S): ----- 1. ASSISTANT ENGINEER, MUNICIPAL OFFICE, PALAKKAD-678001.

2. PALAKKAD MUNICIPALITY, PALAKKAD REP.BY ITS SECRETARY, PIN-678001 3. REVENUE DIVISIONAL OFFICER, PALAKKAD-PI-678001 R2 BY ADV. SRI.T.C.SURESH MENON R2 BY ADV. SRI.P.S.APPU R2 BY ADV. SRI.A.R.NIMOD BY SRI.RINNY STEPHEN CHAMAPPARAMBIL, GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-01-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: AS WP(C).No. 27218 of 2012 (B) APPENDIX PETITIONER(S) EXHIBITS:

EXT.P1: TRUE COPY OF THE DOCUMENT NO. 146/2008 OF SRO OLAVAKKODE. EXT.P2: TRUE COPY OF THE POSSESSION CERTIFICATE DTD 25/10/2012 ISSUED BY THE VILLAGE OFFICER, PALAKKAD-I VILLAGE. EXT.P3: TRUE COPY OF THE ORDER PASSED BY THE IST RESPONDENT REJECTING THE APPLICATION FILED BY THE PETITIONER FOR THE GRANT OF BUILDING PERMIT VIDE ORDER DTD 25/2/2009. EXT.P4: TRUE COPY OF THE GOVERNMENT ORDER NO.4545/R.A1/LSGD(R.A) DEPARTMENT DTD 22/1/2011 ISSUED BY THE ADDITIONAL CHIEF SECRETARY GOVERNMENT OF KERALA EXT.P5: TRUE COPY OF THE JUDGMENT MADE IN WA NO 1098/2012 DTD 15/6/2012. RESPONDENTS' EXHIBITS: NIL /TRUE COPY/ P.A.TO JUDGE AS P.R.RAMACHANDRA MENON, J.

----- W.P.(c) No. 27218 OF 2012.-----

----- Dated this the 1st day of January, 2013 JUDGMENT The petitioner is stated as aggrieved of Ext.P13 order passed by the first respondent, whereby the application preferred by the petitioner for building permit has been rejected, stating that the land in question is a paddy land, which according to the petitioner is not correct or sustainable, as far from the track of truth.

2. The learned counsel for the petitioner submits that, the manner in which the issue has to be dealt with, has already been made clear by the Government as per Ext.P4 Circular and that the petitioner will be satisfied, if the matter is caused to be reconsidered by the first respondent in the light of Ext.P4.

3. The learned Standing Counsel appearing for respondents 1 and 2 submits that, the said respondents are ready to have the matter reconsidered in the light of Ext.P4.

4. In the above circumstances, Ext.P1 impugned in the writ W.P.(C)No.27218/2012 2 petition is set aside and respondents 1 and 2 are directed to consider the application preferred by the petitioner for building permit in tune with the relevant provisions of law and of course with reference to the contents of Ext.P4 Circular at the earliest, at any rate within one month from the date of receipt of a copy of this judgment. Writ petition is disposed of. P.R.RAMACHANDRA MENON JUDGE sv. W.P.(C)No.27218/2012 2

