

**Salil Kumar Vs. State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1019774](http://sooperkanoon.com/1019774)

**Court :** Kerala

**Decided On :** Aug-12-2013

**Judge :** Honourable Mr.Justice K.Surendra Mohan

**Appellant :** Salil Kumar

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN MONDAY, THE 12TH DAY OF AUGUST 2013 21ST SRAVANA, 1935 WP(C).No. 19691 of 2013 (J)

----- PETITIONER: ----- SALIL KUMAR  
S/O.SUKUMARAN, SANGEETH BHAVAN, CHEERANIKKARA VEMBAYAM GRAMA PANCHAYATH, VEMBAYAM P.O. THIRUVANANTHAPURAM-695615.  
BY ADVS.SRI.D.PEETHAMBARAN SRI.PRASAD GANDHI RESPONDENTS:  
----- 1. STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

2. THE SECRETARY VEMBAYAM GRAMA PANCHAYATH, VEMBAYAM P.O. THIRUVANANTHAPURAM-695615.

3. SMT.SHEEBA S.S. SHEEBA NIVAS, MANNAYAM, MUNNANAKUZHI THIRUVANANTHAPURAM-695615. R BY GOVERNMENT PLEADER

SHRI.RINNY STEPHEN CHAMAPARAMMBIL THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12-08-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: APPENDIX PETITIONER'S EXTS: EXT.P1: TRUE COPY OF THE PLAN OF BUILDING APPROVED AND ISSUED BY THE 2ND RESPONDENT EXT.P2: -DO- ORDER NO:A-5076/13 DT.1.6.2013 ISSUED BY THE 2ND RESPONDENT EXT.P3: -DO- APPLICATION DT.21.6.2013 SUBMITTED BY THE PETITIONER BEFORE THE GRAMA PANCHAYAT COMMITTEE, VEMBAYAM. JJ /TRUE COPY/ P.S.TO JUDGE K. SURENDRA MOHAN,J ----- W.P(C) NO:

19691. OF 201.----- Dated this the 12th August, 2013. JUDGMENT The petitioner has filed this writ petition aggrieved by Ext.P2 proceedings of the second respondent by which he has been directed to demolish portions of a construction made by him, allegedly, unauthorisedly. The order is Ext.P2.

2. A perusal of Ext.P2 shows that the same is only a provisional order passed under Section 235W(1) of the Kerala Panchayat Raj Act, 1994 (the 'Act' for short). The petitioner has already responded to Ext.P2 by submitting Ext.P3 explanation. Admittedly, no final orders have been passed in the matter after considering Ext.P3. For the above reasons, I do not find any grounds to interfere with Ext.P2 at this stage. Suffice it to direct the second respondent to consider Ext.P3 explanation and to finalise matters without delay. WPC 19691/2013 2 In view of the above this writ petition is disposed of directing the second respondent to consider Ext.P3 representation submitted by the petitioner to Ext.P2 in accordance with law and to pass final orders in the matter, after affording an opportunity of being heard to the petitioner also. Needless to observe that any action to implement Ext.P2 shall be pursued only after such final orders are passed. Sd/- K. SURENDRA MOHAN Judge jj /True copy/ P.S.to Judge WPC 19691/2013 3