SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

indira Vs. State of Kerala

indira Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1131024

Court : Kerala

Decided On : Feb-17-2014

Judge : Honourable Mr.Justice C.T.Ravikumar

Appellant : indira

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR MONDAY, THE17H DAY OF FEBRUARY201428TH MAGHA, 1935 WP(C).No. 1675 of 2014 (H) ---------- PETITIONER(S): ---------- INDIRA W/O. LATE M.A. MOHANAN, AGED51 KIZHAKKEMADATATU HOUSE NEDUMBASSERY VILLAGE, KURUMASSERY POST ERNAKULAM - 683 579. BY ADVS.SRI.K.C.ELDHO SRI.JIJO THOMAS SRI.ANESH PAUL SRI.A.V.CHARLES SRI.SURAJ.S RESPONDENT(S): ---------- 1. STATE OF KERALA REPRESENTED BY THE SECRETARY TO THE GOVERNMENT DEPARTMENT OF LAND REVENUE, GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM - 695 001.

2. THE DISTRICT COLLECTOR, COLLECTORATE, KAKKANAD, CIVIL STATION ERNAKULAM- 682 030.

3. THE NEDUMBASSERY GRAMA PANCHAYATH REPRESENTED BY ITS SECRETARY, NEDUMBASSERY KARIYAD POST, ERNAKULAM - 685 589. R3 BY SRI.GEORGE POONTHOTTAM, SC BY GOVERNMENT PLEADER SRI.SOJAN JAMES THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON1702-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 1675 of 2014 (H) ---------- APPENDIX PETITIONER(S)' EXHIBITS ---------- EXHIBIT-P1-TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE3D RESPONDENT IN FAVOUR OF THE PETITIONER DATED2202/2012. EXHIBIT-P2-TRUE COPY OF THE

JUDGMENT

IN W.P(C)8820/2012 DATED0904/2012. EXHIBIT-P3-TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER EXHIBIT-P4-TRUE COPY OF THE NOTIFICATION DATED1412/2009 IN THE KERALA GAZETTE EXHIBIT-P5-TRUE COPY OF THE

ORDER

DATED2311/013 ISSUED BY THE2D RESPONDENT. EXHIBIT-P6-TRUE COPY OF THE REPORT FORWARDED BY THE2D RESPONDENT RELATING TO THE

ORDER

OF THE LAND REVENUE COMMISSIONER DATED2811/2013. EXHIBIT-P7-TRUE COPY OF THE NOTICE DATED1911/2012 ISSUED BY THE3D RESPONDENT PANCHAYATH. EXHIBIT-P8-TRUE COPY OF THE

ORDER

IN APPEAL NO. 15/2013 DATED3105/2013. EXHIBIT-P9-TRUE COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONER BEFORE THE3D RESPONDENT AGAINST EXHIBIT-P7 SHOW CAUSE NOTICE. RESPONDENT(S)' EXHIBITS: NIL //TRUE COPY// P.A. TO JUDGE. dlk C.T.RAVIKUMAR, J.

---------- W.P.(C)No.1675 of 2014 ---------- Dated 17th February, 2014

JUDGMENT

The petitioner who is the owner in possession of 60 cents of property in Re-survey Nos.75/12 and 75/13 of Nedumbassery Village sought for and obtained permit for constructing a compound wall. Later, the same was sought to be withdrawn. The petitioner was asked to show cause as per Ext.P7. Feeling aggrieved by the same the petitioner took up the matter before the Tribunal for Local Self Government Institutions. Ext.P8 is the order passed by the Tribunal in Appeal No.15/2013. The Tribunal found that if the property in question is not lying as a paddy field as on 12.8.2008 there would be no illegality in granting the permit and therefore, directed the third respondent to consider the matter, in accordance with law. The petitioner was also directed to show cause, as has been required of him, as per Ext.P7. Subsequently, the petitioner submitted Ext.P9 which is in fact, an explanation to Ext.P7. When this matter is taken up for consideration, the short prayer made by the petitioner is for a direction to the respondents to consider and pass appropriate orders on Ext.P9 in accordance with law. WP(C).No.1675/2014 2 Having heard the learned counsel for the petitioner and the learned counsel for the respondents and hearing the rival submissions I am of the view that without making any observation as to the merits of the contentions raised by the petitioner in Ext.P9 this writ petition can be disposed of. It is to be noted that even as per Ext.P8 order of the Tribunal the third respondent is under an obligation to consider the same. In the said circumstances, Ext.P9 representation shall be considered by the third respondent in accordance with law and taking into account Ext.P8 expeditiously, at any rate, within a period of six weeks from the date of receipt of copy of this judgment. Sd/- C.T.RAVIKUMAR Judge TKS

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com