

Sinaj Michael vs the Committee Constituted Under Rule 58 of Chapter IX of Kerala Panchayat Building Rules,2019

Sinaj Michael vs the Committee Constituted Under Rule 58 of Chapter IX of Kerala Panchayat Building Rules,2019

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Court : Kerala

Decided On : Apr-12-2024

Judge : Honourable Mr.Justice Mohammed Nias C.P.

Appeal No. : WP(C)/1621/2024

Appellant : Sinaj Michael

Respondent : The Committee Constituted Under Rule 58 of Chapter IX of Kerala Panchayat Building Rules,2019

Judgement :

..1..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
FRIDAY, THE 12TH DAY OF APRIL 2024 / 23RD CHAITHRA, 1946
WP(C) NO. 1621 OF 2024 PETITIONER: SINAJ MICHAEL, AGED 48
YEARS, S/O.M.K.MICHAEL, MALIAKAL HOUSE, NEENDOOR P.O,
ONAMTHURUTHU VILLAGE, KOTTAYAM DISTRICT, REPRESENTED
BY HIS POWER OF ATTORNEY HOLDER M.K.MICHAEL, AGED 72

YEARS, S/O.KORAH KURUVILLA, MALIAKAL HOUSE, ONAMTHURUTHU VILLAGE NEENDOOR P.O., KOTTAYAM DISTRICT, PIN - 686601. BY ADVS.M/S.P.M.ZIRAJ & IRFAN ZIRAJ RESPONDENTS: 1 THE COMMITTEE CONSTITUTED UNDER RULE 58 OF CHAPTER IX OF KERALA PANCHAYAT BUILDING RULES,2019 REPRESENTED BY ITS CONVENER, THE CHIEF TOWN PLANNER, DEPARTMENT OF TOWN AND COUNTRY PLANNING, SWARAJBHAVAN, NANTHANCODE, KOWDIAR.P.O.THIRUVANANTHAPURAM, PIN - 695003.

2 THE CHIEF TOWN PLANNER, DEPARTMENT OF TOWN AND COUNTRY PLANNING SWARAJ BHAVAN, NANTHANCODE, KOWDIAR.P.O. THIRUVANANTHAPURAM, PIN - 695003. 3 THE PRINCIPAL SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001. 4 THE DISTRICT TOWN PLANNER, KOTTAYAM, DEPARTMENT OF TOWN AND COUNTRY PLANNING, NAGAMPADAM, KOTTAYAM, KERALA, PIN - 686002. ..2.. 5 THE DIRECTOR OF PANCHAYATH, THE DIRECTORATE OF PANCHAYATH, PUBLIC OFFICE BUILDING, LMS VELLAYAMBALAM ROAD, UNIVERSITY OF KERALA SENTE HOUSE CAMPUS, PALAYAM, THIRUVANANTHAPURAM, PIN - 695033. *ADDL.6 THE DISTRICT COMMITTEE CONSTITUTED UNDER RULE 58 OF CHAPTER IX OF KERALA PANCHAYAT BUILDING RULES, 2019 KOTTAYAM, REPRESENTED BY ITS CONVENER THE DISTRICT TOWN PLANNER, DEPARTMENT OF TOWN AND COUNTRY PLANNING, NAGAPADAM, KOTTAYAM, KERALA

* IMPEADED AS PER ORDER DATED 12.4.2024 IN I.A.NO.1/2024 SMT.AMMINIKUTTY K, SR.GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..3..

MOHAMMED NIAS C. P. , J.

===== W. P. (C) No. 1621 of 2024
===== Dated this the 12th day of
April, 2024

JUDGMENT

The limited prayer of the petitioner is for a direction to consider Ext.P-10 application seeking for renewal of building permit submitted before the 1st respondent and now forwarded to the additional 6th respondent.

2. Accordingly, there will be a direction to the additional 6th respondent to take a decision on Ext.P-10, in accordance with law, within a period of two months from the date of receipt of a copy of this

judgment.

The Writ Petition is disposed of as above. Sd/- MOHAMMED NIAS C. P. , JUDGE
MMG ..4.. APPENDIX OF WP(C).NO.1621/2024 PETITIONER'S EXHIBITS:
EXHIBIT P1 TRUE COPY OF THE BUILDING PERMIT DATED 24.1.2014
ISSUED BY THE SECRETARY, NJEEZHOO GRAMA PANCHAYATH TO
MR.JAMES KUNNASSERY EXHIBIT P2 TRUE COPY OF THE RENEWED
BUILDING PERMIT TILL 23.01.2024 ISSUED BY THE SECRETARY,
NJEEZHOO GRAMA PANCHAYATH EXHIBIT P3 TRUE COPY OF THE
JUDGMENT OF THIS HONOURABLE COURT DATED 26.5.2015 IN WPC
NO.15461 OF 2015 EXHIBIT P4 TRUE COPY OF THE JUDGMENT OF THIS
HONOURABLE COURT DATED 11.4.2017 IN WPC NO.13288 OF 2017 EXHIBIT
P5 TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED
24.8.2021 IN WPC NO.8451 OF 2021 EXHIBIT P6 TRUE COPY OF THE
JUDGMENT OF THIS HONOURABLE COURT DATED 17.11.2021 IN WPC
NO.24692 OF 2021 EXHIBIT P7 TRUE COPY OF THE JUDGMENT OF THIS
HONOURABLE COURT DATED 15.12.2021 IN WPC NO.21007 OF 2021
EXHIBIT P8 TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE
COURT DATED 10.03.2023 IN WPC NO.5844 OF 2023 EXHIBIT P9 TRUE

COPY OF THE TRANSIT PERMIT DATED 19.12.2022 ISSUED BY THE DISTRICT GEOLOGIST ..5.. EXHIBIT P10 TRUE COPY OF THE APPLICATION WITHOUT DATE SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT

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