

Velappanachari vs State of Kerala

Velappanachari vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1334991

Court : Kerala

Decided On : Jan-31-2023

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/2971/2023

Appellant : Velappanachari

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
TUESDAY, THE 31ST DAY OF JANUARY 2023 / 11TH MAGHA, 1944
WP(C) NO. 2971 OF 2023 PETITIONER: VELAPPANACHARI AGED 72
YEARS CHARUVILAPUTHEN VEEDU, THEKKEMURI,
KIZHAKKEKALLADA VILLAGE, KIZHAKKEKALLADA P.O, PIN - 691502
BY ADVS. ALEXANDER GEORGE SOUMYA FRANCIS T.P.AISWARYA
RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE
CHIEF SECRETARY, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM., PIN - 695001 2 THE GEOLOGIST
DISTRICT OFFICE, DEPARTMENT OF MINING AND GEOLOGY,
KESAVANIKETHAN, ASRAMAM, KOLLAM, PIN - 691002

BY ADV GOVERNMENT PLEADER SRI.JOSHY THANNIKKAMATTAM
-GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 31.01.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: WP(C) NO. 2971 OF 2023 2

JUDGMENT

Dated this the 31st day of January, 2023 This writ petition is filed seeking directions to the 2 nd respondent to consider the application submitted by the petitioner as evidenced by Ext.P4 receipt made for transit passes for removal of ordinary earth from the property of the petitioner. The petitioner submits that building permit and building plan, as required, have been obtained and that the application is, therefore, liable to be considered in accordance with law.

2. Having heard the learned Government Pleader also, there will be a

direction to the 2nd respondent to take up Ext.P4 application submitted by the petitioner and to consider and pass orders on the same after considering all relevant aspects of the matter and after conducting due site inspections and after perusing the relevant documents to be produced by the petitioner. Appropriate orders shall be passed within a period of three months from the date of receipt of a copy of this judgment. This writ petition is ordered accordingly. Sd/- ANU SIVARAMAN JUDGE ska WP(C) NO. 2971 OF 2023 3 APPENDIX OF WP(C) 2971/2023 PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE REVENUE TAX REMITTED BY THE PETITIONER ON 21.04.2022 BEFORE THE VILLAGE OFFICE EAST KALLADA Exhibit P2 THE TRUE COPY OF THE BUILDING PERMIT DATED 25.1.2022 ISSUED BY THE EAST KALLADA GRAMA PANCHAYAT Exhibit P3 THE TRUE COPY OF THE DEVELOPMENT PERMIT NO. K2/BA/(29964)/2022 ISSUED BY THE KIZHAKKE KALLADA GRAMA PANCHAYATH ON 25.11.2022 Exhibit P4 THE TRUE COPY OF THE RECEIPT DATED 21.4.2022 ISSUED BY THE SECOND RESPONDENT IN RESPECT OF THE APPLICATION SUBMITTED FOR ISSUANCE TRANSIT PASS