

Robin Peter vs State of Kerala

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Court : Kerala

Decided On : Mar-04-2022

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/257/2022

Appellant : Robin Peter

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
FRIDAY, THE 4TH DAY OF MARCH 2022 / 13TH PHALGUNA, 1943
WP(C) NO. 257 OF 2022 PETITIONER: ROBIN PETER AGED 27
YEARS S/O. LATE RAYAPPAN, ARAKKAPARAMBIL HOUSE,
THOKKUPARA P.O, IDUKKI DISTRICT, PIN - 685565. BY ADV
N.M.VARGHESE RESPONDENTS: 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF LOCAL
SELF GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN
- 695001. 2 STATE OF KERALA, DEVIKULAM, REVENUE DIVISIONAL
OFFICE, DEVIKULAM P.O, IDUKKI DISTRICT, PIN - 685613. 3
PALLIVASAL GRAMA PANCHAYATH REPRESENTED BY ITS

SECRETARY, PALLIVASAL P.O, IDUKKI DISTRICT, PIN - 685565. BY ADV SHRI.JOICE GEORGE, PALLIVASAL GRAMA PANCHAYAT SMT PRINCY XAVIER, SR GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 4th day of March, 2022 This writ petition is filed seeking directions to the respondents to consider and pass orders on Exhibit P3 application submitted by the petitioner for license.

2. It is submitted by the learned counsel for the

petitioner that Exhibit P3, which is an application submitted for license is not being considered by the respondents even though it had been submitted as early as on 04.10.2021.

3. Learned counsel appearing for the Panchayath

submits that an NOC from the District Collector is required for the change of nature of occupancy of the building which is the reason why the application is not considered.

4. Learned Government Pleader submits that it is on

the basis of recommendation from the local authority concerned that the application for the license for home stay is to be considered by the Director of Panchayat.

5. The learned counsel for the petitioner relies on

Exhibit P7 communication issued by the RDO, requiring the petitioner to make the application before the Panchayath. In any view of the matter, since Exhibit P3 is pending before the respondent Panchayat, I am of the opinion that it is for the respondent to pass the reasoned order on the application submitted by the petitioner. There will, accordingly, be a direction to the 3rd respondent to take up

Exhibit P3 and to consider and pass orders on the same in accordance with law. In case the application of the petitioner is being rejected by the respondents, the respondents shall state the specific reason for rejecting the application. Appropriate steps shall be taken within a period of one month from the date of receipt of a copy of this judgment. The writ petition is ordered accordingly. Sd/-
ANU SIVARAMAN JUDGE SSK/04/03 PETITIONER'S EXHIBITS:

A PHOTOCOPY OF SALE DEED NO. 1658/1/2017 DATED 24.10.2017 OF S.R.O DEVIKULAM Exhibit P1 EXECUTED IN FAVOUR OF THE PETITIONER AND HIS MOTHER. A PHOTOCOPY OF RESIDENTIAL OWNERSHIP CERTIFICATE NO. 5057701/163/2021 DATED Exhibit P2 10.08.2021 ISSUED IN THE NAME OF THE PETITIONER AND HIS MOTHER. A PHOTOCOPY OF APPLICATION DATED Exhibit P3 04.10.2021 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT PANCHAYATH. A PHOTOCOPY OF ONLINE INDUSTRY REGISTRATION RECEIPT DATED 01.10.2021 Exhibit P4 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD. A PHOTOCOPY OF SANITARY CERTIFICATE DATED Exhibit P5 04.10.2021 ISSUED BY THE HEALTH AUTHORITIES. A PHOTOCOPY OF REPRESENTATION DATED Exhibit P6 07.10.2021 SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, IDUKKI. A PHOTOCOPY OF COMMUNICATION Exhibit P7 NO.RDODVM/1480/2021-A3 DATED 06.12.2021. RESPONDENTS' EXHIBITS: NIL

SSK //TRUE COPY// PA TO JUDGE

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