

Askar Ali vs the Malappuram Municipality

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SooperKanoon Citation : sooperkanoon.com/1442340

Court : Kerala

Decided On : Mar-07-2022

Judge : Honourable Mr. Justice T.R.Ravi

Appeal No. : WP(C)/1122/2022

Appellant : Askar Ali

Respondent : The Malappuram Municipality

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE T.R.RAVI MONDAY,
THE 7TH DAY OF MARCH 2022 / 16TH PHALGUNA, 1943 WP(C) NO.
1122 OF 2022

PETITIONER: ASKAR ALI AGED 49 YEARS S/O AYAMU,
PATTARKADAVAN HOUSE, PATTARKADAVU P.O, MALAPPURAM,
PIN - 676 519 BY ADVS. SRI.ABDUL JAWAD K. SRI.A.GRANCY JOSE
RESPONDENTS: 1 THE MALAPPURAM MUNICIPALITY
REPRESENTED BY ITS SECRETARY, MALAPPURAM PIN - 679 335 2
THE SECRETARY MALAPPURAM MUNICIPALITY, MALAPPURAM,
PIN - 679 335 BY ADV ESM.KABEER,SC THIS WRIT PETITION (CIVIL)

HAVING COME UP FOR ADMISSION ON 07.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

T. J. - --- W P(C)NO. 1122 OF 2022
--- t h Dat ed t his the 07 day of March, 2022

J The writ petition on has been filed challenging Ext .P3 order whereby her request for building permit was rejected stating that hearing in an environment all sensitive zone as per the master plan and the easement order was denied. 2. The Standing Counsel for her has placed before the Court statement whereby it is stated that the issuance of Ext .P3, Ext .P2 field map was not considered and hence the Panchayat may be permitted to reconsider the application on the basis of Ext .P2 plan which says that the petition 'spr oper ty' is more than 100 metres away from the road in question. 3. In the light of statement placed on record, this writ petition is disposed of with directions and directing that the respondent file the application for building permit submitted by the petitioner. Ext .P3 order is set aside with costs as such order. Necessary orders shall be issued with the non-mont h from the date of receipt of copy of this judgment. Sd/- T. J. JUDGE

APPENDIX OF WP(C) 1122/2022 PETITIONER'S EXHIBITS Exhibit-P1 TRUE COPY OF THE LAND TAX RECEIPT DATED Exhibit-1(a) TRUE COPY OF THE POSSESSION CERTIFICATE DATED PANAKKAD Exhibit-P2 TRUE COPY OF THE MAP OF FIELD NO.69 Exhibit-P3 TRUE COPY OF THE ORDER DATED 28/10/2021 PASSED BY THE 2ND RESPONDENT Exhibit-P4 TRUE COPIES OF THE RELEVANT PAGES OF THE DRAFT MASTER PLAN FOR THE 1ST RESPONDENT MUNICIPALITY Exhibit-P5 TRUE COPY OF THE PURCHASE NOTICE DATED THE RESPONDENT MUNICIPALITY Exhibit-5(a) COPY OF THE RECEIPT DATED 08/11/2021 ISSUED BY THE 2ND RESPONDENT Exhibit-P6 TRUE COPY OF JUDGEMENT DATED 06/10/2020 IN A SIMILAR CASE IN W.P.(C).16861/2020 RESPONDENTS'S EXHIBITS : NIL //TRUE COPY// PA TO JUDGE