

Vishnu a vs the Secretary

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Court : Kerala

Decided On : Oct-06-2022

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/20774/2022

Appellant : Vishnu a

Respondent : The Secretary

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
THURSDAY, THE 6TH DAY OF OCTOBER 2022 / 14TH ASWINA, 1944
WP(C) NO. 20774 OF 2022 PETITIONER VISHNU A AGED 26 YEARS
S/O ARAVINDAKSHAN, T.P. HOUSE, MANKURUSSI POST,
MANKARA, PALAKKAD DISTRICT, PIN 678 613 BY ADVS. RAJESH
SIVARAMANKUTTY V.RAGHUVARAN RESPONDENTS 1 THE
SECRETARY KOTTAYI GRAMA PANCHAYAT, KOTTAYI GRAMA
PANCHAYAT OFFICE, PALAKKAD, PIN- 678 574 2 KOTTAYI GRAMA
PANCHAYAT REP. BY ITS SECRETARY, KOTTAYI GRAMA
PANCHAYAT OFFICE, PALAKKAD, PIN-678 574. THIS WRIT
PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON

06.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P(C) No.20774 of 2022 2]

JUDGMENT

Dated this the 6th day of October, 2022 The petitioner, who is owner of 0.0203 Hectares (5 cents) of land in Kottayi Grama Panchayat, is before this Court aggrieved by the insistence made by the respondents for production of Development Permit/Layout approval.

2. The petitioner states that he is owner of 5 Cents of land in

Kottayi Grama Panchayat and proposed to construct a residential building. When the petitioner submitted an application for Building Permit, it was acknowledged as per Ext.P2. However, the petitioner has been informed as per Ext.P3 that the petitioner has to obtain a Development Permit from the respondents for issuance of Building Permit.

3. The petitioner states that he is only the owner of a small

plot of land and does not intend to develop the property. Therefore, the respondents cannot insist for production of Development Permit. Though the petitioner submitted Ext.P4 reply to Ext.P3 communication, the Grama Panchayat has refused to W.P(C) No.20774 of 2022 3] entertain the application as per Ext.P5 Communication, on the same grounds.

4. I have heard the learned counsel for the petitioner. Though notice was served on the respondents, there is no appearance for the respondents.

5. The issue raised by the petitioner is covered by a

judgment of this Court in Philip Thomas v. Geologist [2021 (5)

KLT 227] wherein this Court has held that the Building Rules do not provide for issuance of Development Permit in cases where building construction does not involve subdivision of plots. A Development Permit is required only when there is

development of land by dividing land into plots. In view of the above, the writ petition is disposed of directing the respondents to process the application for Building Permit submitted by the petitioner, without insisting for Development Permit. Orders in this regard shall be passed within a period of one month. N. NAGARESH, JUDGE smm/10.10.2022 W.P(C) No.20774 of 2022 4] APPENDIX OF WP(C) 20774/2022 PETITIONER EXHIBITS

Exhibit P1 TRUE COPY OF THE REGISTERED SALE DEED NO.Exh

RESPONDENT TO THE PETITIONER FOR BUILDING PERMIT. Exhibit P3 TRUE COPY OF THE NOTICE NO.A7-966/21 DATED 16-4-2022 ISSUED BY THE 1ST RESPONDENT. Exhibit P4 TRUE COPY OF THE REPLY DATED 26-4-2022 SUBMITTED BY THE PETITIONER TO 1ST RESPONDENT'S EXHIBIT P-3 COMMUNICATION Exhibit P5 TRUE COPY OF THE COMMUNICATION NO. A7-RESPONDENT TO THE PETITIONER.

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