

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

MONDAY, THE 28TH DAY OF MARCH 2022 / 7TH CHAITHRA, 1944

WP(C) NO. 6831 OF 2021

PETITIONER/S:

MRS.RAHMATH SALEEM,W/O SALEEM,
SANTHIPURATH HOUSE, PERINGOTTUKARA P.O,
THRISSUR.

BY ADVS.

K.M.ANEESH

SRI.K.B.SUMESH

SRI.K.SANTHOSH KUMAR (KALIYANAM)

SRI.ADARSH KUMAR

SRI.BIJU VARGHESE ABRAHAM

SRI.DILEEP CHANDRAN

SRI.SHASHANK DEVAN

RESPONDENT/S:

- 1 THANIYAM GRAMA PANCHAYATH,PANCHAYATH OFFICE,
PERINGOTUKARA P.O, THRISSUR DISTRICT, PIN-680565.
REPRESENTED BY ITS SECRETARY.
- 2 THE SECRETARY,THANNIYAM GRAMA PANCHAYATH, PANCHAYATH
OFFICE, PERINGOTTUKARA P.O, THRISSUR DISTRICT-680565.
- 3 THAHSILDAR (LAND RECORDS),
THRISSUR TALUK OFFICE, THRISSUR, PIN-680003.
- 4 TALUK SURVEYOR,THRISSUR TALUK OFFICE,
THRISSUR DISTRICT, PIN-680003.

BY ADVS.

SRI.BRIJESH MOHAN

SRI.R.RAJPRADEEP

SMT.SHEEJA .C.S.SR.G.P

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

An extent of 20 cents (8.09 Ares) of property in Sy.No.113/2 of Thanniyam Village, Thrissur Taluk belongs to the husband of the petitioner as per document No.637/2001 of Anthikkad Sub Registry. On the southern side of the property in question there is a puramboke pond. There is no boundary wall on the southern side of the property. In order to construct a boundary wall, the petitioner approached the respondents 3 and 4 to have a survey conducted in terms of Kerala Survey and Boundaries Act.

2. On the said application, the authorities issued notice to both sides and conducted survey. Ext.P6 is the survey sketch issued by the 4th respondent after survey. Ext.P1 is the order passed fixing the boundary in terms thereof.

3. Thereafter, the petitioner submitted an application before the 1st respondent for constructing a boundary wall through the boundary

fixed by the respondents 3 and 4. Pursuant thereto the petitioner was issued with Ext.P2 building permit to construct the boundary wall.

4. It appears that, thereafter, based on complaints of some local residents, the Panchayath issued Ext.P5 communication to the petitioner stating that, till a measurement is effected regarding the area and boundaries of the pond on the southern side, the petitioner shall not construct compound wall. It is challenging the said communication, this Writ Petition has been filed.

5. Heard the learned counsel on either sides.

6. As noticed above, the measurement under Exts.P1 and P6 were conducted with due notice to both sides. It is based on the said measurement Ext.P2 building permit was issued. There is no reason why the petitioner should be prevented from effecting construction of the boundary wall in terms thereof. If according to the Panchayat there is any encroachment, it is for them to take steps

in accordance with law.

7. Accordingly, Ext.P5 communication is quashed. The petitioner shall be permitted to effect construction in terms of Exts.P1, P2 and P6.

Writ Petition is disposed of as above.

Sd/ -
SATHISH NINAN
JUDGE

sd

APPENDIX OF WP(C) 6831/2021**PETITIONER EXHIBITS**

EXHIBIT P1	THE TRUE COPY OF THE COMMUNICATION DATED 16.01.2020 BY THE 3RD RESPONDENT.
EXHIBIT P2	THE TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE 2ND RESPONDENT DATED 12.02.2021.
EXHIBIT P3	THE TRUE COPY OF THE LAND TAX RECEIPT.
EXHIBIT P4	THE TRUE COPY OF THE POSSESSION CERTIFICATE.
EXHIBIT P5	THE TRUE COPY OF THE STOP MEMO ISSUED BY THE 2ND RESPONDENT DATED 3.03.2021.
Exhibit P6	A TRUE COPY OF THE SKETCH ISSUED BY THE 4TH RESPONDENT FIXING THE BOUNDARY