

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 6230 of 2015 (C)

PETITIONER:

SIVANI, AGED 72 YEARS,
D/O.KUNJU KUNJU, PATTALASSERIL, PUTHUPPALLY VILLAGE,
KAYAMKULAM, ALAPPUZHA DISTRICT.

BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENTS:

1. THE DEVIKULANGARA GRAMA PANCHAYATH,
PUTHUPPALLY, KAYAMKULAM, ALAPPUZHA DISTRICT - 690 527
REPRESENTED BY ITS SECRETARY.
2. THE SECRETARY,
DEVIKULANGARA GRAMA PANCHAYAT, PUTHUPPALLY, KAYAMKULAM,
ALAPPUZHA DISTRICT - 690 527.
3. R.SASIDHARAN,
PUTHUVAL PUTHENPARAMBIL, PUTHUPPALLY NORTH, KAYAMKULAM,
ALAPPUZHA DISTRICT - 690 527.

R3 BY ADV. DR.K.P.SATHEESAN (SR.)
R3 BY ADV. SRI.M.R.JAYAPRASAD
R3 BY ADV. SRI.P.MOHANDAS (ERNAKULAM)
R3 BY ADV. SRI.ANOOP.V.NAIR
R3 BY ADV. SRI.S.VIBHEESHANAN
R3 BY ADV. SRI.P.T.RASHEED
R3 BY ADV. SRI.N.MANU THAMPI
R1-R2 BY ADV. SRI.R.SUNIL KUMAR
R1-R2 BY ADV. SMT.A.SALINI LAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1: TRUE COPY OF THE TAX RECEIPT DATED 19/10/2001 ISSUED BY 2ND RESPONDENT.

EXT.P2: TRUE COPY OF THE BUILDING PLAN SUBMITTED BY THE PETITIONER IN THE NAME OF HER SON.

EXT.P3: TRUE COPY OF THE LETTER DATED 17/6/2014 SENT BY THE 2ND RESPONDENT TO THE COASTAL ZONE MANAGEMENT AUTHORITY.

EXT.P4: TRUE COPY OF THE LETTER DATED 8/8/2014 OF THE 2ND RESPONDENT.

EXT.P5: TRUE COPY OF THE PLAN SHOWING THE NATURE AND DIMENSION OF PETITIONER'S BUILDING.

EXT.P6: TRUE COPY OF THE LETTER DATED 19/12/2014 ISSUED BY THE MEMBER SECRETARY OF KERALA COASTAL ZONE MANAGEMENT AUTHORITY.

EXT.P7: TRUE COPY OF THE LETTER DATED 12/1/2015 ISSUED BY THE 2ND RESPONDENT.

EXT.P8: TRUE COPY OF THE APPLICATION SUBMITTED BEFORE 2ND RESPONDENT UNDER RIGHT TO INFORMATION ACT.

EXT.P9: TRUE COPY OF THE INFORMATION DATED 30/9/2014 FURNISHED BY SECOND RESPONDENT.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

rv

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 6230 of 2015 (C)

Dated this the 23rd day of March, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondent Grama Panchayath, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, in the place of old building, the petitioner decided to construct a new one, for which purpose he submitted Ext.P2 application to the second respondent for building permit. The 2nd respondent in turn has forwarded the application to the Coastal Zone Management Authority, which issued Ext.P6 proceedings granting permission for constructing a residential building having a plinth area of only 192 sq. metres. Complaining that despite Ext.P6 permission granted by the Coastal Zone Management Authorities, the 2nd

respondent has not passed any orders on Ext.P2 application of the petitioner, the petitioner has approached this Court.

3. The learned counsel for the respondent Grama Panchayath has, however, submitted that the 2nd respondent does not have any objection to consider granting building permit to the petitioner in terms of Ext.P6. Nevertheless, he has submitted that it can be done only if the petitioner submits a revised building plan, limiting the area to 192 sq. metres, as has been mandated in Ext.P6.

4. The learned counsel for the petitioner has readily agreed to the proposal of the learned counsel for the respondent Grama Panchayath.

5. In the facts and circumstances, I do not see any issue surviving for consideration. This Court, however, makes it clear that it is open for the petitioner to submit a fresh application before the 2nd respondent, keeping in view the limitations imposed in Ext.P6 communication of the Coastal Zone Management Authorities. Once an application, thus, is filed by

the petitioner, the respondent Grama Panchayath shall consider it and pass appropriate orders thereon within 30 days thereafter.

With the above observation, this writ petition is disposed of. No orders as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

rv

