



2025:KER:17064

WP(C) No.41072 OF 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 20<sup>TH</sup> DAY OF FEBRUARY 2025 / 1ST PHALGUNA, 1946

WP(C) NO. 41072 OF 2024

**PETITIONER/S:**

PAVITHRA K MADHU,  
AGED 32 YEARS  
D/O. MADHUSUDHANAN K, RESIDING AT NO. 10/122,  
MURINGAMALA, VEMBALLUR P.O, THENKURUSSE, PALAKKAD  
DISTRICT, PIN - 678502

BY ADVS.  
JACOB SEBASTIAN  
WINSTON K.V  
ANU JACOB  
BHARATH KRISHNAN G.

**RESPONDENT/S:**

- 1 THE PERUVEMBA GRAMA PANCHAYAT,  
PANCHAYAT OFFICE, PERUVEMBA P.O, PALAKKAD DISTRICT,  
REPRESENTED BY ITS SECRETARY, PIN - 678531
- 2 THE SECRETARY,  
PERUVEMBA GRAMA PANCHAYAT, PANCHAYAT OFFICE,  
PERUVEMBA P.O, PALAKKAD DISTRICT, PIN - 678531

BY ADV R.RAJPRADEEP

**OTHER PRESENT:**

DEEPA.V-GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
20.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



## **J U D G M E N T**

The petitioner is in possession on 0.0202 Hectors of property comprised in Re-Survey No.202/27 (202/3) in Re-Survey Block No. 49 in Peruvemba Village, Palakkad Taluk in Palakkad District. The petitioner has purchased the same as per Ext.P1 sale deed. The grievance of the petitioner is that, the application submitted by the petitioner for building permit for construction of a residential building has not been considered by the 2<sup>nd</sup> respondent stating that, the petitioner is required to obtain a development permit/layout approval. Ext P5 is the communication issued in this regard. This writ petition is submitted by the petitioner in such circumstances to quash Ext P5 and also to seek a direction to the 1<sup>st</sup> respondent to consider the application for the building permit.

2. A counter affidavit has been submitted by the respondent Panchayath, wherein they have reiterated the stand taken in Ext P5.

3. I have heard the learned counsel for the petitioner and learned standing counsel for the Grama Panchayath.



4. The only question that arises for consideration is whether the 2<sup>nd</sup> respondent can insist for development permit/layout approval for considering the application of the petitioner for building permit. The specific contention raised by the learned counsel for the petitioner is that the issue raised in this regard is covered in favour of the petitioner as per the decision rendered by this Court in **Nafeesa and Another v. Chavakkad Municipality and Others [2018 (3) KHC 473]** and **Panjal Grama Panchayath and another v. Aneesh P. [2022 (2) KHC 775]**.

5. In the above said decisions it has been held that when the owner of a small plot who does not have any intention to subdivide the property further, cannot be insisted for a development permit/layout approval. Going through the materials placed on record, I find that the issue raised in this case is covered by the decisions referred to above. Evidently the only intention of the petitioner is to construct a residential building in the property having an extent of 0.0202 Hectors. She does not have any intention to subdivide the property.



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In such circumstances, this writ petition is disposed of quashing Ext P5, with a direction to the 2<sup>nd</sup> respondent to consider and pass orders on the application submitted by the petitioner for building permit without insisting for a development permit. However, while considering the said application, the 2<sup>nd</sup> respondent shall ensure that, the application submitted by the petitioner is otherwise in order. A decision in this regard shall be taken within a period of one month from the date of receipt of a copy of this judgment.

Sd/-

**ZIYAD RAHMAN A.A.  
JUDGE**

SM/0103



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**APPENDIX OF WP(C) 41072/2024**

**PETITIONER EXHIBITS**

- Exhibit-P1**                      **A TRUE COPY OF THE REGISTERED SALE DEED NO. 520/2024 OF SRO, KODUVAYUR EXECUTED ON 02.03.2024.**
- Exhibit-P2**                      **A TRUE COPY OF THE POSSESSION CERTIFICATE DATED 30.04.2024 ISSUED BY THE VILLAGE OFFICER; PERUVEMBA VILLAGE.**
- Exhibit-P3**                      **A TRUE COPY OF THE ORDER NO. 7/2022 DATED 26.11.2022 ISSUED BY THE REVENUE DIVISIONAL OFFICER, PALAKKAD.**
- Exhibit-P4**                      **A TRUE COPY OF THE REPORT DATED 21.11.2022 ISSUED BY THE AGRICULTURAL OFFICER, PERUVEMBA.**
- Exhibit-P5**                      **A TRUE COPY OF THE COMMUNICATION DATED 24.06.2024 ISSUED BY THE SECOND RESPONDENT.**
- Exhibit-P6**                      **A TRUE COPY OF THE JUDGMENT DATED 29.11.2022 IN W.P.(C) NO.26463/2022 OF THIS HON'BLE COURT.**

**RESPONDENT EXHIBITS**

- Exhibit R1(a)**                      **A true copy of the letter dated 10/06/2024 addressed to Sri. Prabhukumar, one of the owners of the property**