

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 12TH DAY OF APRIL 2024 / 23RD CHAITHRA, 1946

WP(C) NO. 36400 OF 2017

PETITIONER:

G. SUBRAMONIA WARRIER
S/O. S. GOVINDA WARRIER, AGED 65, RESIDING AT
PUTHEN BENGLAVIL WARRIEM, MAHADEVASWARAM,
KILIMANOOR, THIRUVANANTHAPURAM - 695 601.

BY ADVS.

SRI.K.C.ELDHO

SRI.ANEESH JAMES

SRI.JIJO THOMAS

SRI.MALLENATHAN.M.

RESPONDENTS:

- 1 PAZHAYAKUNNUMMEL GRAMA PANCHAYAT
KILIMANOOR P.O, THIRUVANANTHAPURAM - 695 601
REPRESENTED BY THE SECRETARY.
- 2 THE SECRETARY
PAZHAYAKUNNUMMEL GRAMA PANCHAYAT, KILIMANOOR P.O,
THIRUVANANTHAPURAM - 695 601.
BY ADVS.
SMT.RENY ANTO
SRI.K.SIJU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 12.04.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

W.P.(C) No. 36400 of 2017

Dated this the 12th day of April, 2024.

JUDGMENT

This writ petition is filed seeking the following reliefs:

"a) Set aside Exhibit P16 order of the Tribunal for Local Self Government Institutions, Thiruvananthapuram and allow Exhibit P14 revision petition

b) Call for the records leading to Exhibit P11, Exhibit P12 and Exhibit P13 and quash the same by issue of a writ of certiorari or any other appropriate writ, order or direction.

c) Issue a writ of mandamus or any other appropriate, writ, order or direction compelling the 2nd respondent to allot building numbers to each of the shop rooms in the petitioner's building.

d) Issue such other writ, order or direction as this Hon'ble Court deem fit while

considering the peculiar circumstances of the case”[SIC]

2. The petitioner is aggrieved by the rejection of an application for allotting building permit. The Panchayat rejected the same and the appeal filed against the same is also dismissed. The matter was taken up before the Tribunal for Local Self Government Institutions and the Tribunal also dismissed the same as per Ext.P16. Aggrieved by the same, this Writ petition is filed.

3. This Court perused the impugned order. The fact finding authority considered the matter in detail and rejected the application. The jurisdiction of this Court to interfere with the same is very limited under Article 226 of the Constitution of India. But if there is any provision for regularisation of the construction, the petitioner

can be given liberty to do the same in accordance with law.

Therefore, this Writ Petition is disposed of in the following manner:

1. The petitioner is free to file a regularisation application, if it is permissible under law, before the 1st respondent within one month from the date of receipt of a copy of this judgment.
2. If such an application is received, the 1st respondent Panchayat will consider the same untrammelled by any observation in the impugned order.

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

APPENDIX OF WP(C) 36400/2017

PETITIONER EXHIBITS

EXHIBIT P1	A TRUE COPY OF THE BUILDING PERMIT DATED 07-06-2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
EXHIBIT P2	A TRUE COPY OF THE APPROVED PLAN OF THE BUILDING OF THE PETITIONER.
EXHIBIT P3	A TRUE COPY OF THE ORDER DATED 31-07-2014 OF THE CHIEF ENGINEER (PROJECTS), KSTP.
EXHIBIT P4	A TRUE COPY OF THE ORDER DATED 05-09-2014 OF THE CHIEF ENGINEER, IRRIGATION AND ADMINISTRATION, THIRUVANANTHAPURAM.
EXHIBIT P5	A TRUE COPY OF THE LETTER DATED 18-09-2014 ISSUED BY THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION.
EXHIBIT P6	A TRUE COPY OF THE APPLICATION DATED 29-10-2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
EXHIBIT P7	A TRUE COPY OF THE STOP MEMO DATED 10-10-2014 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P8	A TRUE COPY OF THE ORDER OF STAY DATED 27-10-2014 OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM IN APPEAL NO.1144 OF 2014.
EXHIBIT P9	A TRUE COPY OF THE JUDGMENT DATED 13-05-2014 OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM IN APPEAL NO.1144 OF 2014.

EXHIBIT P10 A TRUE COPY OF THE APPLICATION
DATED 05-01-2015 SUBMITTED BY THE
PETITIONER FOR GETTING SEPARATE
BUILDING NUMBER ALONG WITH THE
COMPLETION PLAN.

EXHIBIT P11 A TRUE COPY OF THE ORDER DATED 19-
12-2015 OF THE 2ND RESPONDENT.

EXHIBIT P12 A TRUE COPY OF THE DECISION
NO.VI(2) DATED 20-6-2016 OF THE
PANCHAYAT COMMITTEE OF THE FIRST
RESPONDENT PANCHAYAT.

EXHIBIT P13 A TRUE COPY OF THE NOTICE DATED
12-07-2016 ISSUED BY THE SECOND
RESPONDENT.

EXHIBIT P14 A TRUE COPY OF THE MEMORANDUM OF
REVISION PETITION IN R.P.NO.68 OF
2016 ON THE FILE OF THE TRIBUNAL
FOR LOCAL SELF GOVERNMENT
INSTITUTIONS.

EXHIBIT P15 A TRUE COPY OF THE STATEMENT OF
OBJECTIONS FILED BY THE RESPONDENT
IN R.P.NO.68 OF 2016 BEFORE THE
TRIBUNAL FOR LOCAL SELF GOVERNMENT
INSTITUTIONS.

EXHIBIT P16 A TRUE COPY OF THE ORDER DATED 04-
10-2017 OF THE TRIBUNAL FOR LOCAL
SELF GOVERNMENT INSTITUTIONS,
THIRUVANANTHAPURAM IN REVISION
PETITION NO.68 OF 2016.

EXHIBIT P17 PHOTOGRAPHS OF THE PRESENT STATE
OF THE PETITIONER'S BUILDING.

RESPONDENTS EXHIBITS: NIL

//TRUE COPY//

PA TO JUDGE