

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 31ST DAY OF MAY 2022 / 10TH JYAISHTA, 1944

WP(C) NO. 455 OF 2022

PETITIONER:

**MAHESHKUMAR V
AGED 43 YEARS
S/O. M.VENKITESAN, 11/546, VENKIDADHRI HOUSE,
HARIKKARA STREET, PALAKKAD DISTRICT, PIN-678001.
BY ADVS.
JACOB SEBASTIAN
K.V.WINSTON
ANU JACOB**

RESPONDENTS:

- 1 THE PALAKKAD MUNICIPALITY
MUNICIPAL OFFICE, PALAKKAD DISTRICT, PIN-678001.**
- 2 THE SECRETARY,
PALAKKAD MUNICIPALITY, MUNICIPAL OFFICE,
PALAKKAD DISTRICT, PIN-678001.**
- 3 THE REVENUE DIVISIONAL OFFICER,
PALAKKAD, OFFICE OF THE REVENUE DIVISIONAL OFFICER,
PALAKKAD, PALAKKAD DISTRICT, PIN-678001.**
- 4 THE LOCAL LEVEL MONITORING COMMITTEE FOR PALAKKAD
MUNICIPALITY
CONSTITUTED UNDER THE CONSERVATION OF PADDY AND WETLAND
ACT, REPRESENTED BY ITS CONVENOR,
THE AGRICULTURAL OFFICER, PALAKKAD DISTRICT, PIN-678001.**

**SMT.SURYA BINOY B, SR.GP
SRI. BINOY VASUDEVAN (SC) R1 & R2**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31.05.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

JUDGMENT

Dated this the 31st day of May, 2022

The petitioner submitted an application before the 1st respondent seeking Building Permit. The Building Permit application was not entertained for the reason that the land was included in Data Bank prepared under the Kerala Conservation of Paddy Land and Wetland Act, 2008.

2. When this writ petition came up for hearing today, the learned counsel for the petitioner submitted that the Revenue Divisional Officer has passed Ext.P5 order removing the land from the Land Data Bank. Therefore, the difficulty faced by the 1st respondent-Municipality to entertain the Building Permit application does not exist. The learned counsel for the petitioner would submit that the petitioner is possessed with Ext.P2 order passed under the Kerala Land Utilisation Order, based on which the 1st respondent can very well issue a

Building Permit.

3. In the facts and circumstances of the case, this Court finds that in view of Ext.P5, no adjudication is required in the matter at this stage. It will be sufficient if the 1st respondent is directed to consider the application in the changed circumstances.

The writ petition is therefore disposed of directing respondents 1 and 2 to consider the Building Permit application submitted by the petitioner, in the light of Ext.P5 order of the Revenue Divisional Officer and Ext.P2 Kerala Land Utilisation Order. A decision on the application shall be taken within a period of one month.

sd/-

N.NAGARESH
JUDGE

hnh

APPENDIX OF WP(C) 455/2022

PETITIONER EXHIBITS

- | | |
|-------------------|---|
| Exhibit P1 | A TRUE COPY OF REGISTERED SALE DEED
NUMBER 4106/2019 OF THE SRO, PALAKKAD
DATED 5.9.2019. |
| Exhibit P2 | A TRUE COPY OF THE ORDER IN THIS REGARD
DATED 7.10.1992 ISSUED BY THE THIRD
RESPONDENT. |
| Exhibit P3 | A TRUE COPY OF THE RECEIPT DATED
3.9.2021 ISSUED FROM THE OFFICE OF THE
1ST RESPONDENT. |
| Exhibit P4 | A TRUE COPY OF THE JUDGMENT DATED
25.6.2018 IN WP(C) NO.16536/2018 OF
THIS HONOURABLE COURT. |
| Exhibit P5 | A TRUE COPY OF THE ORDER DATED
12.5.2022 ISSUED BY THE 3RD RESPONDENT |