

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

TUESDAY, THE 31<sup>ST</sup> DAY OF JANUARY 2023 / 11TH MAGHA, 1944

WP(C) NO. 37665 OF 2022

**PETITIONER:**

PRAVEEN T.,  
AGED 42 YEARS  
S/O RADHAKRISHNAN, LATHA NIVAS, MANGALAM,  
WADAKKANCHERY P.O, THRISSUR PIN - 680582.

BY ADVS.  
V.M.KRISHNAKUMAR  
P.R.REENA  
P.S.SIDHARTHAN  
MAYA M.

**RESPONDENTS:**

1 THIRUVILWAMALA GRAMA PANCHAYATH,  
REPRESENTED BY ITS SECRETARY, THIRUVILWAMALA.P.O,  
THRISSUR DISTRICT,  
PIN - 680588.

2 SECRETARY, THIRUVILWAMALA GRAMAPANCHAYATH,  
THIRUVILWAMALA.P.O, THRISSUR DISTRICT. PIN -  
680588.

BY ADVS.  
BRIJESH MOHAN  
R.RAJPRADEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 31.01.2023, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

## **JUDGMENT**

**Dated this the 31<sup>st</sup> day of January, 2023.**

This writ petition is filed seeking the following reliefs:-

*"i.Call for records leading to Ext.P6 and issue a writ in the nature of certiorari quashing Ext.P6.*

*ii. Issue a writ in the nature of mandamus commanding the respondents to grant occupancy certificate and petitioner's residential building for which building permit is number already granted as per Ext.P4, within such time as may be fixed by this Hon'ble Court."*

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Gramapanchayath.

3. It is submitted by the learned counsel for the petitioner that the petitioner was issued with a building permit in respect of 3.64 Ares of land in Survey Nos.1617/1 and 1617/3 of Thiruvilwamala Village, Thalappilly Taluk, Thrissur District. The

petitioner completed the construction of a residential building in the said property and sought occupancy certificate. Exhibit P6 communication dated 14.09.2022 was issued by the 2<sup>nd</sup> respondent stating that the petitioner had not obtained development certificate and layout approval. It is further stated that there was some discrepancy in the boundaries shown. Learned counsel for the petitioner submits that since the petitioner is the owner of only a small plot of land, no development permit is required for construction. It is submitted that since building permit had admittedly granted by the 2<sup>nd</sup> respondent, the occupancy cannot be deprived, on the ground as stated in Exhibit P6.

4. Learned Standing Counsel for the respondent Grama Panchayat submits that there is some discrepancy and variation found in the building plan and permit issued to the petitioner and that an

W.P.(C) No.37665 of 2022

application for regularization is to be filed by the petitioner.

In view of the above submissions, I am of the opinion that the requirement of development certificate and layout approval is not sustainable. However, in case there is any deviation from the building plan in the construction completed by the petitioner, the petitioner may submit an application for regularization within two weeks from the date of receipt of a copy of this judgment. In case, such application is submitted, it will be considered and appropriate steps for issuance of occupancy certificate and for numbering of the building will be taken by the 2<sup>nd</sup> respondent within a period of one month thereafter.

**Sd/-  
ANU SIVARAMAN  
JUDGE**

SSK/31/01

W.P.(C) No.37665 of 2022

**APPENDIX**

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE SALE DEED NO.2266/1/2014 DATED 13.10.2014.
Exhibit P2	TRUE COPY OF BASIC TAX RECEIPT OF PETITIONER'S PROPERTY DATED 14.07.2022.
Exhibit P3	TRUE COPY OF LOCATION SKETCH OF PETITIONER'S PROPERTY DATED 24.11.2020.
Exhibit P4	TRUE COPY OF SITE APPROVAL AND BUILDING PERMIT ISSUED TO THE PETITIONER DATED 04.03.2021.
Exhibit P5	PHOTOGRAPH SHOWING THE CONSTRUCTED RESIDENTIAL BUILDING OF PETITIONER PURSUANT TO EXT.P4.
Exhibit P6	TRUE COPY OF COMMUNICATION ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DATED 14.9.2022.
Exhibit P7	TRUE COPY OF THE JUDGMENT IN WP(C).NO.16308/2022 DATED 06.07.2022.
Exhibit P8	TRUE OF THE BUILDING PLAN DATED 04.03.2021 FILED BY THE PETITIONER BEFORE THE PANCHAYATH
Exhibit P9	TRUE COPY OF THE GROUND PLAN VERIFIED AND APPROVED BY THE PANCHAYATH DATED 04.03.2021