

Surendran P Vs Secretary

Court: High Court Of Kerala

Date of Decision: Jan. 16, 2025

Hon'ble Judges: Mohammed Nias C. P. , J

Bench: Single Bench

Advocate: P.Sathisan, Abdul Jaleel Onath, M.G.Sreejith, Dheeraj A.S

Final Decision: Allowed

Judgement

Mohammed Nias C. P. , J.

1. The petitioner is stated to be the owner in possession of 11 cents of land in Re.Sy No.196/1(c) (old Sy.No.167/1) of Olavanna Village in Kozhikode

Taluk. The petitioner obtained permission for the construction of a compound wall through Ext.P1 building permit dated 16.12.2013.

2. The petitioner complains that through Ext.P3 dated 27.08.2016, the Secretary of the Panchayat decided to cancel the permit granted, based on the

complaints received and also on the ground that the validity of the permit was only for one year, and it was by mistake that three years were

mentioned in Ext.P1 permit. The petitioner gave an objection as Ext.P5 on 06.09.2016.

3. No interim order was passed in this writ petition. The petitioner submits that he could not proceed with the construction on account of Ext.P3.

4. Since the petitioner has already objected to Ext.P3 through Ext.P5, respondents 1 and 2 will be directed to consider the objections after hearing the

petitioner. The Panchayat will also consider the request for a permit renewal since the Ext.P3 order was passed during the validity of the permit

granted as per Ext.P1, and the same prevented the petitioner from proceeding with the construction based on the permit granted.

5. Orders, as directed above, shall be passed by the Panchayat within a month from the date of receipt of a copy of this judgment. It will be open to

the petitioner to produce such materials to substantiate his contentions, which will be adverted to by the respondents while taking a decision as directed

above. The impugned orders are quashed to enable the above exercise.

The Writ petition is allowed as above.