

(2021) 06 KL CK 0451

In the High Court Of Kerala

Case No : Writ Petition (C) No. 30853 Of 2013

Chacko Mathew, Kochuthundil Veedu, Narickal P.O., Punalur, Kollam Vs

Date of Decision : 30-06-2021

Acts Referred:

Kerala. Panchayat Buildings Rules, 2011 — Rule 129(1)

Citation : (2021) 06 KL CK 0451

Hon'ble Judges : N.Nagaresh, J

Bench : Single Bench

Advocate : George Varghese, A.R.Dileep, Manu Sebastian, K.J.Sharath Kumar, Manu Raj, M.T.Sureshkumar, V.Philip Mathew, Dona Augustine, P.Sathisan, V.V.Raja

Final Decision : Dismissed

Judgement

N. Nagaresh, J

1. The petitioners have approached this Court challenging Ext.P7 building permit granted to the 4th respondent for erecting a mobile tower in

Karavaloor Grama Panchayat in Kollam District. When this writ petition came up today for hearing, the learned Standing Counsel for the 4th

respondent submitted that the validity of Ext.P7 building permit has already expired and the 4th respondent has not made any application for issuance

of fresh building permit for constructing the mobile tower.

2. The learned Standing Counsel for the 4th respondent would further submit that the Rule 129(1) of the Kerala Panchayat Rules

challenged by the petitioners is no more in the statute book and therefore that prayer of the petitioners does not also survive.

3. In view of the said submissions made by the learned Standing Counsel, the cause of action of the petitioners does not appear to survive at this

distance of time. Accordingly, this writ petition is dismissed as infructuous,

however granting liberty to the petitioner to agitate any grievance relating to erection of mobile tower by the 4th respondent at any future point of time, if the petitioners are so advised.