

(2024) 07 KL CK 0113

In the High Court Of Kerala

Case No : Writ Petition (C) No. 26905 Of 2024

Mithu Surendran

APPELLANT

Vs

Mundakkayam Grama Panchayat, Represented By Its
Secretary

RESPONDENT

Date of Decision : 30-07-2024

Acts Referred:

Citation : (2024) 07 KL CK 0113

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

Bench : Single Bench

**Advocate : Liji.J.Vadakedom, Athul V. Vadakkedom, Remy Elizabeth Thomas,
Chithra Chandrasekharan,**

Final Decision : Allowed

Judgement

Mohammed Nias C.P., J.

1. The petitioner challenges Ext.P4 order rejecting his application for a building permit on the ground that the property shown as Plantation (Thottam in the revenue records).

2. Both sides submits that the issue is covered in favour of the petitioner by the judgment in Mathew K.Jacob v. District Environmental Impact Assessment Authority [2018 (4) KLT 913 (F.B.)], Kinallur Rock Sand v. State of Kerala [2021 (2) KLT 351] and also in the recent decision in District Collector v. Sajith Lal [2023 KLT Online 1225] which held that merely because the property was exempted under the Act as a plantation, there was no restriction on using the property for other purposes.

3. In view of the above, Ext.P4 is quashed. Accordingly, there will be a direction to the 1st and 2nd respondents to reconsider the application for building permit submitted by the petitioner, the application is otherwise in order subject to the relevant Building Rules. It shall be done within a period of one month from today.

The writ petition is allowed as above.