
(2021) 07 KL CK 0345

In the High Court Of Kerala

Case No : Writ Petition (C) No. 14656 Of 2021

Roffin

APPELLANT

Vs

Choondal Grama Panchayath Represented By Its Secretary

RESPONDENT

Date of Decision : 28-07-2021

Acts Referred:

Citation : (2021) 07 KL CK 0345

Hon'ble Judges : Sathish Ninan, J

Bench : Single Bench

Advocate : Lindons C.Davis, E.U.Dhanya, Rajith Davis, Deepu Thankan

Final Decision : Allowed

Judgement

Sathish Ninan, J

1. The building permit application dated 19.12.2019 submitted by the petitioner before the 2nd respondent, is not being considered for non-production of development permit. It is aggrieved thereby that the petitioner has approached this Court.

2. The petitioner purchased 8.09 Ares of property in the year 2018 under Ext P1 sale deed. Petitioner intends to put up a residential building in the property, for which purpose a building permit has been applied for. The 2nd respondent is of the view that the request cannot be considered without a development permit. This Court in Nafeesa v. Chavakkad Municipality(2018(3) KLT 1) held that unless in the hands of the purchaser of the smaller portion of land, an activity which attracts the definition of 'development of land' in terms of the Building Rules is involved, there is no requirement for a person purchasing a plot of land for putting up a construction therein, to obtain a development permit prior to applying for a building permit for the

construction. Therefore, the insistence for a development permit by the 2nd respondent cannot be sustained.

Accordingly, the writ petition is allowed. The 2nd respondent shall consider the building permit application submitted by the petitioner, dated

19.12.2019, without insisting for a development permit as was required in Exts P4 and P5 communications. The application shall be considered and

orders passed within a period of one month from the date of receipt of a copy of this judgment.