

(2021) 06 KL CK 0443

In the High Court Of Kerala

Case No : Writ Petition (C) No. 36705 Of 2018

Saifudeen

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 30-06-2021

Acts Referred:

Citation : (2021) 06 KL CK 0443

Hon'ble Judges : N.Nagaresh, J

Bench : Single Bench

Advocate : K.V.Anil Kumar, K.Siju, S.Abhilash, Rashmi Kr, Jaishankar V.Nair, G.Harikumar, Alexander George, P.Naveen, Manu Raj

Final Decision : Disposed Of

Judgement

N. Nagaresh, J

1. Petitioner is aggrieved by the proposed installation of a telecommunication tower in Chithara Grama Panchayat.

2.Â The petitioner states that the residential building of the petitioner is hardly 25.7 metres away from the proposed site. The 7th respondent has

obtained building permit for the tower showing incorrect details. Since the petitioner's residential building is very close to the proposed tower, it will be

a threat to the life and peaceful living of the petitioner. In the circumstance, the petitioner and other local people filed Ext.P7 representation before the

4th respondent seeking to remedy the situation.

3.Â I have heard learned counsel for the petitioner, learned Government Pleader representing respondents 1 to 3 and 5, learned Standing Counsel for

the 4th respondent, learned Standing Counsel for the 7th respondent, learned counsel for the 8th respondent and learned Standing Counsel for the 9th

respondent.

4. The learned Standing Counsel for the 8th respondent submits that Ext.P5 building permit has lapsed due to passage of time. The

learned Standing Counsel for the 7th respondent, however, would submit that the said permit has been renewed subsequently.

5. From the pleadings in the writ petition, it appears that the challenge of the petitioner is against Ext.P5 building permit. A building permit issued

under the provisions of the Kerala Panchayat Raj Act can be challenged before the appropriate Appellate Authority under the Act and the Rules.

Therefore, this Court is of the view that when an alternate statutory remedy is available to the petitioner, the issue need not be considered in a writ

petition.

Accordingly, the writ petition is disposed of granting liberty to the petitioner to file statutory appeal against Ext.P5, if the petitioner is so advised.