

(2021) 10 KL CK 0090
In the High Court Of Kerala
Case No : Writ Petition (C) No. 22027 Of 2021

Suchithra Ganesan

APPELLANT

Vs

Kundara Grama Panchayat Represented By Its Secretary

RESPONDENT

Date of Decision : 13-10-2021

Acts Referred:

Kerala Panchayath Raj Act, 1994 — Section 276, 276(4)

Citation : (2021) 10 KL CK 0090

Hon'ble Judges : Anu Sivaraman, J

Bench : Single Bench

Advocate : T.R.Harikumar, Arjun Raghavan

Judgement

Anu Sivaraman, J

1. This writ petition is filed challenging Exhibit P9 order issued by the 2nd respondent directing the demolition of the alleged unauthorized construction made by the petitioner.

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

2. It is submitted by the learned counsel appearing for the petitioner that Exhibit P9 order has been issued against the petitioner without complying the due procedure and without considering Exhibit P7 reply given by the petitioner to Exhibit P6 notice.

3. The learned Standing Counsel appearing for the respondent Panchayath submits that Exhibit P9 is an appealable order and that the contentions raised by the petitioner are essentially factual in nature.

Having considered the contentions advanced, I am of the opinion that, since statutory appeal is provided under Section 276 of the Kerala Panchayath Raj Act, 1994, the petitioner has to avail the said statutory remedy. However, in view of the fact that orders have been issued directing immediate demolition of the

construction, there will be an interim stay of further proceedings pursuant to Exhibit P9 for a period of three weeks to enable the petitioner to approach the LSGD Tribunal with an appeal under Section 276(4) of the Kerala Panchayath Raj Act, 1994.